The Case of Conscience solved;

OR,

Catholic Emancipation

Proved to be compatible with

THE CORONATION OATH,

IN A LETTER

FROM A CASUIST IN THE COUNTRY, TO HIS FRIEND IN TOWN.

Dedicated to

The Right Hon. W. WYNDHAM, M. P. &c.

WITH

A SUPPLEMENT

IN ANSWER TO

Considerations on the said Oath, by

JOHN REEVES, Esq.

"DECIPIMUR SPECIE RECTI."——HOR.

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M DCCC I.

ERRATA.

Page	*Line*	
6	23,	*for* afords, *read* affords.
7	9,	*after* Grenville, *add* a Dundas.
ibid.	10,	*after* with, *add* in the ſervice of their country.
9	11,	*after* that, *inſert* the.
ibid.	4,	*of note, for* fratis *read* fratris.
10	5,	*of note, for* rectum, *read* rectam, *and for* exercerat, *read* exerceret; *next line, for* commiſſa *read* commiſſo, *and for* legis *read* leges.
11	6,	*of note, for* libertatum, *read* libertatem.
12	2,	*of note, dele* according to.
24	19,	*after* reference to, *dele* the particular caſe of, *and all of line* 20.
26	7.	*after* will, *dele* not.
27	8,	*dele the* s *in* things.
28	3,	*for* parties, title, *read* parties' title.

THE following Letter was addreſſed by the Author, who reſides in the country, to a reſpectable friend, who paſſes the winter in town, and it was only in conſequence of an after-thought that it was dedicated, on the motives which have been aſſigned, to the late Right Honourable Secretary at War, without his knowledge. The letter was finiſhed the very day it is dated, and was imme diately printed, before any thing elſe on the ſame ſubject was known to have been committed to the preſs. The proof copy, however, having been ſhewn to certain diſtinguiſhed perſonages, whoſe opinion on the preſent queſtion has been proved to coincide with that of the Author, by the gentleman above alluded to, they were pleaſed to expreſs their approbation of its argumentation in very flattering terms: nevertheleſs, they earneſtly deprecated its publication, at leaſt for the preſent, as they were infinitely deſirous of preventing all public diſcuſſion of the delicate queſtion which it treats of in the then exiſting circumſtances. The expreſſion of their wiſhes was a law to the writer: accordingly, the pamphlet remained ſuppreſſed for ſome weeks; not a copy of it was ſold, and only a limited number of copies were ſent by the gentleman

man to whom it was addreſſed, as preſents to his friends. But it having ſince appeared, from the number of other works which have been publiſhed, and are now expoſed to ſale, on one ſide or other of this queſtion, that the public diſcuſſion of it could neither be prevented nor ſtopped, the author ſees that the motive for his ſilence no longer exiſts, and that the perſonages in queſtion can no longer object to his pamphlet's taking its chance before the public, with others on the ſame ſubject. The aforeſaid delay has enabled the author to weigh Mr. Reeves's celebrated "CONSIDERATIONS," on the oppoſite ſide of the queſtion to that which he himſelf has taken, and to give what he hopes will appear a ſatisfactory anſwer to them. He had juſt finiſhed his review of the firſt edition of that work, when the ſecond was publiſhed, from which it appears, that one of the few copies of "THE CASE OF CONSCIENCE, &c." which were privately circulated, had fallen into the hands of Mr. Reeves, who is pleaſed to make ſome OBSERVATIONS upon it. The force of theſe obſervations will be examined in a POSTSCRIPT to the SUPPLEMENT.

SUPPLE-

TO THE

RIGHT HONOURABLE

WILLIAM WINDHAM, M. P.

&c. &c. &c.

SIR,

IN prefixing your name to the publication of the following pages (an honour which I did not aſpire to in compoſing them, as will appear from certain expreſſions contained in them), I am, at the ſame time, gratifying my ſentiments as an individual who, unknown to you, is eager to embrace an opportunity of expreſſing his deep obligations to you; and as a moral writer, who, confident both of the goodneſs of his cauſe, and of the force of his arguments, wiſhes his work to be reviewed by a man of the moſt upright principles, and the keeneſt penetration. The latter quality has never been denied you, Sir, by your greateſt enemies; and the former, which was eminently exerted at your entrance into office, has been inconteſtibly de-

monſtrated at your retiring from it. As, under the general calamities of the times, we conſole ourſelves with reflecting that we ſuffer theſe in a juſt and honourable cauſe; ſo, in this laſt and unexpected calamity, which has deprived our Sovereign of his moſt able and faithful miniſters, one comfort remains to us, that this has happened, not through a want of principle in either party, but through a colliſion of principle between them. If the following Eſſay ſhould, in the ſmalleſt or the moſt remote degree, tend to the removal of that calamity, it will be a laſting ſubject of inexpreſſible ſatisfaction to,

SIR,

Your moſt faithful and obedient Servant,

THE AUTHOR.

THE

CASE

OF

CONSCIENCE SOLVED, &c.

DEAR SIR, *Feb.* 16, 1801.

I DO not know whether I have derived more ſatisfaction or concern from the exiſtence of the Caſe of Conſcience upon which you have called for my opinion. I rejoice exceedingly at this ſignal demonſtration of a ſtrict and firm conſcientious principle in the head of the United Kingdom. It is in perfect uniſon, indeed, with the tenor of his exemplary conduct ſince he has riſen to the exalted ſtation which he holds: but never has he given to his ſubjects, and to all the civilized world, a more ſtriking leſſon of virtue, or one that they ſtand more in need of than on the preſent occaſion. Amongſt the vices which have moſt contributed to extinguiſh the ſentiments of religion and morality in theſe profligate times, and, I fear, to call down upon us the judgments of the God of truth, are profane ſwearing and perjury. The ears of the ſerious Chriſtian are wounded by theſe impieties wherever he meets his fellow

creatures : and it is notorious that many, very many of thoſe who profeſs to believe in a holy and omniſcient Deity never addreſs themſelves to him, or mention his name, but to inſult him by their falſe, or at leaſt their raſh oaths. Nor are theſe much leſs common, at the ſame time that they are more enormous, in thoſe more ſolemn invocations of the Almighty, which, by a defect in our laws are multiplied, beyond all bounds in the election for offices, in the admiſſion to them, in collecting the cuſtoms, exciſe, taxes, and briefly in almoſt every civil tranſaction of life. The little reſpect which is paid to oaths of this nature is generally known, and the effects of this facility of ſwearing, amongſt other evils, are fatally experienced in the courts of juſtice, to which perhaps, generally ſpeaking, it would be well if oaths were confined. In theſe circumſtances what leſſon ſo ſeaſonable or ſo impreſſive, concerning the ſacred obligation of an oath, could have been given, as that which the delicacy of his Majeſty's conſcience concerning the import of his Coronation Oath afords ?

But whilſt, as a moraliſt, I rejoice at this triumph of principle, as an Engliſhman, I bewail the political conſequences with which it has been and may hereafter be followed ; already has it driven from the helm of the State, the chief pilots, to whoſe talents and experience it

looked

looked up for ſafety under the moſt tremendous ſtorm that has aſſaulted it for more than a century. Its friends and defenders are confounded and abaſhed, in the ſame proportion as its enemies, foreign and domeſtic, riſe in their confidence. But if the preſent effects of this conſcientious difficulty, in a political point of view, are ſo fatal, what are thoſe future evils likely to be, which a Pitt, a Grenville, a Spencer, a Cornwallis, a Camden, and a Windham ſhrink from contending with! Not, Sir, that I weigh politics againſt principle; on the contrary my maxim is, *Fiat juſtitia et ruat cœlum.* But really, Sir, after having examined the ſuppoſed oppoſition between the propoſed meaſure of Catholic Emancipation and the Coronation Oath, with all the attention in my power, I am convinced that it is purely ideal, and that the apprehenſion of it is a mere ſcruple, like others of the ſame nature which are frequently found in virtuous and timid conſciences. I ſhall endeavour to ſupport my opinion firſt, by hiſtorical, and then by theological evidence.

The celebrated Blackſtone ſeems to have been unable to trace the Coronation Oath higher than the time of Bracton, in the reign of Henry III.(1) Nothing however is more clear from our original hiſtorians than that if it was not in uſe, during the Saxon Dynaſty (which we can hardly believe to

(1) Commentaries on the Laws of England. Book 1. Ch. 6.

have been the caſe, (1) it was at leaſt conſtantly taken by our Monarchs from the period of the Norman Conqueſt, and that it was in ſubſtance the ſame, with the Oath which is in force at the preſent day; though certain additions were ſometimes made to it as particular circmſtances ſeemed to require. What William the Conqueror ſwore at his Coronation, was to the following effect: *That he would defend the Church and its Prelates, that he would govern his People with juſtice, that he would make and keep good laws, and that he would put a ſtop to rapine and and unjuſt deciſions in the courts of juſtice.* (2) In addition to all theſe

(1) "Edwardus (Confeſſor) magnâ pompâ apud Winto-"niam Coronatus, ab Edſio Achiepiſcopo ſacra regnandi præ-"cepta edoctus, quæ ille tunc memoria libenter recondidit "& poſtea ſanctè factis propalavit." *Will. Malm. De Geſt. Reg. Ang. L. 2.* N. B. If this paſſage does not prove that the officiating primate adminiſtered an oath to the Confeſſor, at the latter's Coronation, it renders it at leaſt probable. A ſtronger preſumption, however, of this practice, with reſpect to the Saxon period, is the ready compliance of the Conqueror with it, as we ſhall obſerve in the next quotation.

(2) "Ab Aldredo Eboracenſium Archiepiſcopo, in Weſt-"monaſterio conſecratus eſt honorificè. Sed prius, ut idem "Archipræſul ab eo exigebat, coram clero & populo, jure-"jurando promittens ſe velle ſanctas Dei eccleſias ac rectores "earum defendere; necnon et cunctum populum ſibi ſubjectum "juſtè ac regali providentiâ regere; rectam legem ſtatuere "& tenere, rapinas, injuſtaque judicia penitus interdicere." *Rog. Hov. Annal. Pars Prior. Will. Sen.*

general

general promiſes, his ſon, Henry I. ſwore, at his Coronation, that he would redreſs certain ſpecific grievances in Church and State, which were complained of during the reigns of his father and brother; amongſt theſe ſeems to have been the curfew edict.(1) We have the Coronation Oath of King Stephen at full length, which is ſtill more explicit than that of his predeceſſor, with reſpect to the grievances ſtill felt by the Nation.(2) But what is moſt remarkable on this occaſion, and perhaps without parallel is, that prelates (probably alſo the nobles) ſwore allegiance to the King *conditionally*, that is to ſay, for as long a time as he ſhould keep his Coronation

(1) "Henricus pergens Londoniam ſacratus eſt ibi a Mauritio Londonienſi Epiſcopo, melioratione legum & conſuetudinum optabili repromiſſa." *Hen. Huntin. Hiſt. Lib.* 7. "Conſecrationis ſuæ die S. Dei Eccleſiam, quæ fratis ſuæ tempore vendita & ad firmam erat poſita, liberam fecit, & omnes malas conſuetudines & iniquas exactiones abſtulit, &c. legem Regis Edwardi omnibus in communi reddidit." *Rog. Hov. Annal. Pr.* 1. *Hen.* I. "Injuſtitias a fratre & Ranulpho inſtitutas, prohibuit—lucernarum uſum noctibus in curia reſtituit—aliquarum moderationem legum revocavit in ſolitum ſacramento ſuo," &c. *Will. Malm. Lib.* 5.

(2) "Ego Stephanus, Dei gratia aſſenſu cleri & populi in Regem Angliæ electus & a D. Will. A. Cant. conſecratus promitto," &c. *Will. Malm. Hiſt. Novel. L.* 1. "Stephanus Oxonfordiam perrexit ubi confirmavit pacta quæ Deo & populo & S. Eccleſiæ conceſſerat in die coronationis ſuæ." *Rog. Hov. Annal. Pr.* 1. *Steph.*

Oath.

Oath. (1) We have alſo the terms of the Oath that Richard I. took at his Coronation, which are confined the general duties of a Sovereign, and do not appear materially to differ in their meaning from thoſe now in uſe. (2)

It will be admitted, I preſume, without controverſy, that the moſt ſolemn engagements which King John entered into with his ſubjects, and which were no leſs binding upon him than his Coronation Oath, were thoſe contained in the *Magna Charta*. I have ſpecial reaſons for dwelling upon this charter, becauſe, on one hand, it is underſtood to be ſtill, in a general way, obligatory upon the Sovereign, and indeed virtually to form part of his preſent oath; and becauſe, on the other hand, it would appear, that without the application of ſome of thoſe rules, which will hereafter be laid down, the very firſt article of it nei-

(1) "Juraverunt Epiſcopi fidelitatem regi, quamdiu ille "libertatem Eccleſiæ & vigorem diſciplinæ conſervaret." *Novel. L.* 1.

(2) "Flexis genibus ante altare coram poſitis ſacroſanctis "Evangeliis, & plurimorum ſanctorum reliquiis, ut moris eſt, "juravit quod ipſe omnibus diebus vitæ ſuæ pacem & honorem "atque reverentiam Deo & S. Eccleſiæ & ejus ordinatis "portaret, quod rectum juſtitiam & æquitatem exercerat in "populo ſibi commiſſa, quod malas legis & conſuetudines "perverſas, ſi quæ in regno ſuo inductæ ſunt, deleret, & "bonas leges conderet & ſine fraude, & malo ingenio cuſto-"diret." *Rog. Hov. Pr.* 1. *Ric.* I.

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ther is now, nor ever has been obſerved, ſince that palladium of freedom was firſt framed and conſecrated by ſolemn oaths. In fact, the firſt ſpecific grievance, (as it was then conſidered) which was therein guarded againſt, was that of the Sovereign's interfering in elections to biſhopricks and other eccleſiaſtical benefices. This conceſſion is expreſſly ſtated to be neceſſary for the liberty of the Church.(1) Accordingly, the faithleſs John, to create a belief that he was reſolved to abide by the terms of this charter, began by iſſuing an order for the freedom of eccleſiaſtical elections.(2) The truth, however, is, the diſcipline of the Church was new modelled in this point ſoon after the period in queſtion, and it was rightly judged ſufficient to obſerve this article of

(1) " Joannes Dei gratia Rex Angliæ, &c. ſciatis nos, &c. " in primis conceſſiſſe Deo, & hac præſenti chartá noſtra con- " firmaſſe pro nobis & hæredibus noſtris in perpetuum, quod " Anglicana Eccleſia libera ſit, & habeat jura ſua integra, ſuas " & libertates illæſas, & ita volumus obſervari, quod apparet " ex eo, quod *libertatum electionum, quæ maxima & magis* " *neceſſaria reputatur eccleſiæ Anglicanæ*, mera & ſpontanea " voluntate, ante diſcordiam inter nos & barones noſtros " manifeſte motam conceſſimus, & charta noſtra confirmavi- " mus & eam obtinuimus a D. P. Innoc. III. confirmari: *quam* " *et nos obſervabimus.*" *Mat. Pariſ. Hiſt. Angl. Joan.*

(2) Our hiſtorian adds, immediately after giving us the terms of the charter: " Conceſſit inſuper eodem anno Rex " Johannes, ut pronius corda prælatorum & magnatum ſibi " conciliaret, liberas in omnibus Eccleſiæ Angliæ electiones." *Ibid.*

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the charter, to the satisfaction of the party in whose favour it was sworn.

But to come down to what are called modern ages. Did not Henry VIII. Edward VI. Mary and Elizabeth,(1) each, in succession, swear to support the established religion? and yet did not they, each in succession, promote the greatest changes in it? No doubt they satisfied themselves with the consideration that they had the authority of Parliament for what they did, and, no doubt, their respective divines assured them that no oath could stand in the way of their duty, or be preventive of a greater good. It was the last mentioned of these Sovereigns, who, with the greatest propriety, may be called the civil foundress of the present Church of England. Accordingly she fenced it round with the most severe persecuting statutes and edicts, not only against Roman Catholics, but also against Dissenters of every description; ten of whom she actually caused to be burnt, or otherwise put to death, for Arianism or Brownism. This cruel method of promoting the established religion, I grant, has long been viewed with horror by its best friends, but I mention this to shew, first, that the Church has other enemies, besides Catholics and those who have been con-

(1) Elizabeth was crowned, and took the oath according to the Roman Pontifical, according to Collier's *Eccles. Hist.* vol. 11. p. 412.

sidered

ſidered as ſtill more dangerous to it; ſecondly, to prove that, from a change of circumſtances, or a diverſity of views, its moſt zealous ſupporters have purſued quite oppoſite meaſures for the ſelf-ſame effect.

James I. I believe, was the firſt of our monarchs who ſwore to keep the franchiſes of the clergy *according to the laws of God and the true profeſſion of the goſpel eſtabliſhed in this kingdom*, (1) by which was meant the Church of England; and he proved his ſincerity not only by diſcouraging the religion in which he himſelf had been educated, but alſo by occaſionally putting in execution the exiſting laws againſt Roman Catholics and Socinians. (2) Nevertheleſs he valued himſelf, as he declared in Parliament, upon being "a ſkilful rider, who ſometimes uſes the reins and not always the ſpur." (3) He accordingly ſkreened the

(1) Collier gives this oath at full length, as taken by Charles I. and proves that it correſponds with the copy which previouſly exiſted in the Exchequer. It is plain, however, from my laſt note, that the words which I have cited in italics, did not exiſt in their preſent form previouſly to the Coronation of James I. *Eccleſ. Hiſt.* vol. II. p. 736.

(2) Of the former, between twenty and thirty perſons ſuffered death in this reign, for the exerciſe of their religion: of the latter two, namely, Whitman and Burton, were burnt, for errors concerning the Trinity.

(3) King James's Anſwer to a petition of both Houſes of Parliament, againſt Popiſh recuſants, A. D. 1623. *Ruſhworth*, vol. I.

Catholics from the ſeverity of the perſecuting ſtatues on different occaſions, particularly whilſt the projects were on foot for the marriage of his ſon, firſt with a Princeſs of Spain, and afterwards with Henrietta of France; (1) and he employed various noblemen of that perſuaſion in his ſervice.

King Charles I. is called the Martyr of the Church of England, and as ſuch he is rubricated in the Calendar of the Common-Prayer Book.(2) Yet he gave his aſſent to the bill for excluding biſhops from ſitting in Parliament, in order, as it appeared at the treaty of Uxbridge, to prevent their entire degradation. He afterwards, at a ſtill more calamitous period, yielded to a greater curtailment of their power and dignity, (3) in order to preſerve the eſtabliſhment from ſinking into abſolute Preſbyterianiſm. He employed Catholics to fight his battles, becauſe he found none of his ſubjects more zealous or faithful than they were in defending him. Finally, he gave up one of the American Colonies, Maryland,(4) to a Roman Catholic, Sir George Calvert, as a place of refuge for thoſe of his communion, wiſely judging that it was for the intereſt of the eſtabliſhment,

(1) See *Exemplar Litterarum Magni Sig. Cuſ. ad Regni Jud. Aug.* 12, 1622. *Fuller's Ch. Hiſt.*

(2) January 30.

(3) At the Conferences in the Iſle of Wight.

(4) *Wood's Athen. Oxon.* Calvert. *Maryland Charter.*

both

both in Church and State, to provide what counterpoiſe he could, in theſe partizans of Monarchy, againſt the encreaſing ſtrength of the levelling Puritans. We know that, at his death, he expreſſed his grief for having ſacrificed his faithful miniſter, Strafford, to the malice of their joint enemies; but it does not appear that he expreſſed any remorſe at the idea of having violated his Coronation Oath in the abovementioned inſtances, nor has he been ever reproached with ſuch violation by any true Churchman. Moſt of the legiſlative acts in which the royal Martyr's ſon, Charles II. concurred, were of an intolerant nature, becauſe ſuch meaſures appeared to the angry temper of the times neceſſary for the preſervation of the National Church. Non-conformiſts were excluded from corporations, &c.;(1) Quakers were puniſhed for refuſing oaths;(2) and the doors of both Houſes of Parliament were ſhut againſt Catholic peers and commoners, unleſs they were content to ſwear that the *Maſs was idolatrous*, and the *Invocation of the Saints, as uſed in their Church, was alſo idolatrous*.(3) This was a meaſure

(1) 14. Car. II. cap. 4. 17. Car. II. cap. 2. 22. Car. II. cap. 1.

(2) 13 and 14 Car. II. cap. 1.

(3) 25 Car. II. cap. 2. 30 Car. II. cap. 1.—It is far from my intention to enter into any controverſial diſpute. But where the queſtion turns upon the conſcientiouſneſs of oaths,

 may

ſure of ſeverity, which had not been reſorted to in the hotteſt period of Elizabeth's perſecution. In fact, it was only now adopted in conſequence of the nation's being in a ſtate of perfect infatuation, from the fear of, what is called, Oates's plot; a plot which is now univerſally allowed to have had no exiſtence but in the corrupt heart of Shaftſbury, and his aſſociates. One tolerant act, however, paſſed in this reign, which Calvin and Cranmer would have judged abſolutely inconſiſtent with the exiſtence of Chriſtianity—that for aboliſhing the writ: *De Heretico comburendo.*(1) Independently of this, the Mahometans were left in peace at Tangiers, and the Pagans in Bombay, both which places became dependencies of Britain, by the king's marriage with Catharine of Portugal.

I paſs over the reign of James II. becauſe he is ſuppoſed to have really aimed at the deſtruction of the eſtabliſhment, and paſs on to that

may it not be aſked, whether all thoſe who are required to ſwear, in the form preſcribed by the act laſt referred to, have made that ſtudy of the Catholic ſervice, as to be able to declare upon oath, that it is *idolatrous?* Certain it is, that many illuſtrious Proteſtant divines, in the preſent, as well as in the paſt times, are very far from treating Roman Catholics as Idolaters. I mention this act, becauſe, I preſume, it was one of thoſe which was lately under conſideration for new modelling.

(1) 29 Car. II. cap. 2.

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of its acknowledged preſerver, William III. We all know that he was the firſt of our kings who took the oath, in its preſent form, for maintaining it.(1) Yet this did not hinder him from promoting, almoſt immediately afterwards, an act for altering the Oaths of Supremacy and Allegiance, in favour of Diſſenters, (2) and thereby removing barriers, which, but a very few years before, had been thought neceſſary for the ſecurity of the Church. In the ſame ſpirit he contributed to alleviate the peculiar grievances of the Quakers.(3) Beſides, taking the Engliſh Coronation Oath, he, on a ſubſequent occaſion, (4) took a diſtinct oath to maintain the Kirk of Scotland, which was then Epiſcopalian. Finding, however, that its heads were incurably infected with Jacobitiſm, and likely to produce great diſturbance, he conſented to the new modelling of the Kirk to the Preſbyterian form and doctrine. No doubt but his confidential divines, Tillotſon and Burnet, endeavoured to ſettle his mind with reſpect to theſe changes, on the ground that whatever meaſures were neceſſary for the ſecurity of the Church of England were in the true ſpirit of his Coronation Oath.

(1) 1 W. and M. S. 1. cap. 6.
(2) 1 W. and M. Seſſ. 1. cap. 18.
(3) 7 & 8 W. III. cap. 34.
(4) May 11, 1689.

In

In the reign of Queen Anne the famous Union of the kingdoms of England and Scotland took place, and though the Engliſh Parliament ſhewed an infinite jealouſy for the maintenance and credit of its national Church, yet it ſaw no difficulty in the Sovereign's equally ſwearing to protect Preſbyterianiſm in the northern part of the united Kingdom, and accordingly it ſanctioned a form of Oath for this very purpoſe.(1) Though moſt of the legiſlative acts in this reign were inimicable to the Diſſenters, agreeable to the Queen's own prejudices, yet ſhe conſented to ſome acts, or clauſes of acts, in favour of them, and of the Quakers.

George I. trod in the ſteps of Willliam III. He laboured to procure eaſe for the Diſſenters, and did not think it incompatible with his Coronation Oath to promote and ſanction the repeal of two ſtatutes paſſed in the former reign, one under the title of, *an Act to prevent the growth of Schiſms,(2)* and the other under the title of, *an Act for the better Security of the Church of England*, &c.(3) We may judge of his plea for this meaſure by what appears on the title of his own act, which profeſſes to be *an Act for ſtrengthening the Proteſtant*

(1) 5 Anne, cap. 18.
(2) 12 Anne, cap. 17.
(3) 10 Anne, cap. 2.

intereſt.

Intereſt. (1) On the ſame ground, different acts paſſed for the further relief of Quakers. (2)

The ſame tolerating ſpirit, with reſpect to Diſſenters, Quakers, (3) &c. actuated the counſels of his late Majeſty, though ſome narrow-minded Clergy, of the lower order, on a particular occaſion took offence at it. This extended to the Moravians, (4) and even to the Jews, in whoſe favour a naturalization act paſſed, (5) which, though it was afterwards repealed, yet no one even muttered that the King in aſſenting to it had violated his promiſe to the eſtabliſhed Church. I need not add, that in all thoſe ſignal conqueſts in the four quarters of the world, which illuſtrated this reign, the rights of conſcience were every where reſpected; nor was any obſtacle to the general proſperity of the State created by unfounded jealouſies or ſcruples of a religious nature.

At length we have deſcended to his preſent Majeſty's reign, the diſtinguiſhing features of which, like that of his private character, are juſtice, toleration, and benevolence. Future hiſtorians will dwell with rapture on the numerous and ſtriking inſtances in which theſe beſt virtues

(1) 5 George I. cap. 4.
(2) 8 George I. cap. 2.
(3) 8 Geo. II. 9 Geo. II. cap. 6. &c. 20 Geo. II. cap. 44.
(4) 22 Geo. II. cap. 30.
(5) 25 Geo. II.

of

of the human heart have been diſplayed of late years. Deſcribing the dreadful civil commotions which now agitate the whole globe, beyond former example, and the unavoidable calamities they have occaſioned, they will ſay that the unfortunate victims of them from America, from Geneva, from France, from the French colonies, from the Low Countries, from Holland, from various parts of Italy, Germany, and Hindoſtan, have ſought for refuge, and happily found it in the territories, or on board the veſſels, of George III. and, in ſhort, that no contracted views of animoſity, jealouſy, politics, or religion, have prevented his Majeſty or his Miniſters from acting the part of the good Samaritan to ſufferers of every deſcription.(1) But my ſubject leads me particularly to ſpeak of the legiſlative acts of religious toleration, (which, indeed, have been much more numerous in this than in any former reign, ſince the foundation of

(1) One act of this nature, on the part of the King himſelf, is ſo uncommonly heroical, that I cannot forbear mentioning it. I mean the very liberal annuity which his Majeſty has lately granted to the remaining branch of the Stuart family, Cardinal York, under the diſtreſs which he incurred in conſequence of the invaſion of Italy by the French. In return, the Cardinal has made what acknowledgements were in his power, by endeavouring to procure [and ſucceſsfully] the reform of certain eſtabliſhments for Britiſh Catholics in the Pope's dominions, that might be transferred to national ſuperiors who had ſworn allegiance to his Majeſty.

the

the Monarchy) that have received his Majeſty's aſſent, and particularly of thoſe which relate to the Catholics. Hence I paſs over the numerous ſtatutes which have been made in favour of Diſſenters, both in this country and in Ireland. The firſt act in favour of Catholics was the *Quebec Act*, by which the religion in queſtion was legally eſtabliſhed in that extenſive and important part of his Majeſty's dominions, and I believe few people will diſpute with me, that it was owing to this wiſe and conciliating conduct of the Legiſlature, that the Province in queſtion continued firm in its allegiance, when the neighbouring Proteſtant Colonies, by common conſent, ſhook it off. In 1778, at a period of great political danger, the Catholis having approached the throne with a dutiful and loyal addreſs, his Majeſty was pleaſed to accept their tender of fidelity; and an act ſoon after paſſed for their partial relief. This was augmented by a much more liberal and benevolent act in 1791. Though theſe indulgencies were granted with the aſſent of men of all parties and religions, yet no perſons concurred to them in a more gracious manner than his Majeſty, and the repreſentatives of the national Church. I need not remind you, Sir, that the Iriſh Parliament followed the example of our own by acts of equal and even greater liberality, one of which wiſely provides for the education

of Catholic eccleſiaſtics in their own country, by ſuperiors of known integrity and loyalty, inſtead of forcing them to ſeek for this in foreign countries amongſt perſons of oppoſite ſentiments. During the ſhort time that Corſica was a dependency on the crown of Great Britain, a civil conſtitution was eſtabliſhed in it analogous to our own, but the Catholic religion was declared to be the ſole religion of the country, and the Pope was even allowed a ſhare in appointing to its biſhoprics, as they became vacant. (1) In fact, it would have been madneſs to attempt to retain that Iſland without allowing the inhabitants thoſe religious franchiſes, the alienation of which was the chief cauſe of their ſhaking off the French yoke. I omit to mention many particular in-

(1) Extract of the Conſtitution of the Kingdom of Corſica, ratified by the Viceroy, in the name of his Majeſty, June, 14, 1794.

TITOLO X.

Della Religione.

ART. I. La Religione Criſtiana, Cattolica, Apoſtolica Romana, in tutta la ſua purità Evangelica, ſarà la ſola Nazionale in Corſica.

ART. II. La Camera del Parlamento è autorizzata a prefiggere il numero delle Parrocchie, fiſſare la congrua, e prendere le miſure per aſſicurare l'eſercizio dell' Epiſcopato in Corſica, *concertando colla Santâ Sede.*

ART. III. Tutti gl' altri Culti ſono tolerati.

ſtances

ſtances of toleration, ſuch as giving commiſſions to Roman Catholics, natives and foreigners, and the employing of whole armies of Iriſh Catholics, in Ireland itſelf before the act to authorize this practiſe paſſed, and in his Majeſty's other dominions, and on board his fleets, both before and ſince that period. If any of your Proteſtant acquaintances, Sir, are diſpoſed to cenſure this practice, let them ſay: We are able to fight our own battles, without the numerous and hardy ſailors and ſoldiers of the ſiſter iſland.

It would lead me into a field far too extenſive for the bounds which I have preſcribed to myſelf in the preſent letter, to ſhew that the conduct of the moſt renowned foreign princes has at all times, in ſimilar circumſtances, been the ſame with that of our own, and that, in particular, under the imperious and unprecedented circumſtances of the preſent times, many ſuch perſonages, have been forced to ſwerve from the letter of their Coronation or other Oaths, in order to preſerve the import and ſpirit of them to the beſt of their judgment and power. I will barely remind you, that we have all ſeen a moſt religious King of France, Lewis XVI. contrary to the letter of his Coronation engagements, opening a door in his dominions to every kind of religion and irreligion; a King of Spain upon terms of amity with the Mooriſh Powers; the conſcientious part of the

Knights of Malta fighting, not againſt the Turks, but in alliance with them, againſt a more dangerous enemy of Chriſtianity; finally, his Majeſty's forces by ſea and land abetting the cauſe of the Pope, and a regiment of Britiſh dragoons receiving marks of honour from him for their exemplary conduct during their ſtay in his dominions. (1)

Without detailing the circumſtances which have guided the conduct of our own and other Princes in the tranſactions that have been mentioned or alluded to, ſhall we ſay that they have all infringed their reſpective official Oaths, and been guilty of perjury? Such language would argue in thoſe, who held it, an utter ignorance of the nature of Oaths, and of the circumſtances in which they are and are not obligatory. Having done with my precedents, I ſhall now proceed briefly to diſcuſs the ſubject in a theological manner, with reference to the particular Caſe of Conſcience which you have propoſed to me, the particular Caſe of Conſcience under conſideration.

In treating of the preſent matter, I feel great ſatisfaction that I have not been able to diſcover any

(1) The Officers of the 12th regiment of Light Dragoons received gold medals from the Pope, which his Holineſs requeſted Sir J. C. Hippiſley, Bart. then a Member of the Britiſh Parliament, and reſiding at Rome, to tranſmit to them, as a teſtimony of reſpect for the Regiment and Britiſh Nation.

eſſential

eſſential difference concerning it, amongſt the Canoniſts and moral writers of different countries and religions. Indeed the rules which I ſhall have occaſion to lay down from them concerning the nature and validity of Oaths, are ſo immediately connected with the eternal laws of morality and reaſon, that, like firſt principles, they are admitted by intuition, the moment they are clearly propoſed. They agree then in ſubſtance with Dr. Johnſon, who defines an oath to be: *an affirmation, negation, or promiſe, corroborated by an atteſtation of the Divine Being.* (1) Amongſt other diviſions of oaths in general, they diſtinguiſh them into ſuch as are merely *aſſertory*, ſuch as are *execratory*, and ſuch as are *promiſſory*. My ſubject leads me only to ſpeak of the laſt mentioned claſs, as the Coronation Oath, by its object and terms, evidently belong to it; and even on this head I ſhall omit to notice ſuch rules and obſervations as have no relation with the caſe before me.

It is unanimouſly agreed upon amongſt canoniſts and divines, in treating of the conditions neceſſary for the validity of promiſſory oaths, that no ſuch oath is obligatory, the object of which is, even in a ſmall degree, unlawful. This is a fundamental maxim of their ſcience, (2) which they

(1) Dr. Johnſon's Dictionary.

(2) "Non eſt obligatorium contra bonos mores præſtitum "juramentum," Reg. 58, Jur. Can.

con-

confirm by a ſelf-evident reaſon, implying that we cannot bind ourſelves to the Divine Being to tranſgreſs his laws. (1) For the ſame reaſon they ſhew that no oath is obligatory, the nature of which is to prevent the performance of our duty, or even of any greater good. In fact, it is abſurd to ſuppoſe that the Almighty will not admit of any appeal to him, by which we might be reſtrained from ſerving him in the moſt perfect manner in our own power; 3dly, they teach that no oath is valid which relates to a thing impoſſible; (2) and, 4thly, they pronounce it to be of no force if it relates to any idle, fooliſh thing, the performance of which would neither tend to the honour of God, nor to the benefit of any man. With reſpect to all ſuch promiſſory oaths, they teach that it was wrong to make them, and that it would be wrong again to attempt to obſerve them. (3)

I do not mean to inſinuate that any of theſe original defects apply to the Coronation Oath, nor does the cauſe, which I have undertaken, ſtand in need of any advantages that might be

(1) Juramentum non eſt vinculum iniquitatis." Aug. in Decret. 2 Pr. Cauſ. 22. Queſ. 4, c. 21.

(2) " Nemo poteſt ad impoſſibile obligari." Reg. 6. Jur. Can.

(3) " Eſt contra officium non nunquam ſolvere promiſſum, " ut Herodes, &c." Decret. ibid. c. 2.

derived

derived from any diſcuſſion of them. I have, however, thought it proper to mention them, becauſe I have found very many well-meaning perſons (and it is poſſible that this paper may meet the eye of ſome of that deſcription), who are ſo ill-informed as to ſuppoſe that they are obliged in conſcience to forbear doing ſome charitable, or otherwiſe good things, or to do ſome raſh or improper thing, becauſe they may happen to have ſworn to that effect.

I now proceed to ſtate ſome of thoſe circumſtances in which an oath that was originally lawful and valid, may loſe thoſe characters, and ceaſe to be binding, as I find them laid down by the great maſters of law and morality. I ſhall afterwards endeavour to ſhew how theſe apply to the particular caſe under conſideration. In the firſt place, then, it is evident that a promiſſory oath, which at a certain period was good and valid, may ceaſe to be obligatory by ſome *material change* in circumſtances, either with reſpect to the object itſelf, or to any of the parties concerned in it; ſo that, for example, a meaſure which was originally wiſe and beneficial, and deſirable, becomes the reverſe of all this. In the ſecond place, the obligation of every promiſſory oath may be *remitted* by the party in whoſe favour it is made; or, in the third place, it may be *commuted* by them into ſome other engagement which they are content

content to accept of in its place. For, as Canoniſts teach, the object of every promiſſory oath being to ſtrengthen the parties, title in whoſe favour it is made, to the benefit in queſtion, it follows, that upon their relinquiſhing the benefit itſelf, the ties by which they held it, whatever theſe may be, are looſened of courſe, agreeably to a well-known maxim of the canon law. (1) Laſtly, it is demonſtratively clear, that the obligation of every promiſſory oath, or other engagement, may ceaſe by *abrogation*, on the part of thoſe perſons who have proper authority for this purpoſe over the parties themſelves, or over the ſubject matter of the oath, or other engagement. Thus parents may abrogate the inconſiderate and improper oaths and vows of their children; (2) and thus the law of the land invalidates many engagements, though confirmed by oaths and vows of ſubjects, and, amongſt the reſt, ſome of the moſt ſolemn nature with reſpect to the higheſt of all ſubjects—I mean perſons of his Majeſty's own family.

Give me leave, Sir, now to examine the preſent obligation of the Coronation Oath, by the eſtabliſhed rules here laid down. Has there then been no material change in the ſituation of the

(1) "Acceſſorium naturam ſequi congruit principalis." Reg. 42. Jur. Can.

(2) Iſidor. Decret. ibid. c. 19.

Church,

Church, as well as of the State, ſince this oath was laſt taken, forty years ago? Was it foreſeen at that time that Ireland, from being a dependency on Great Britain, would be aſſociated in a Legiſlative Union with it, and that inſtead of ruling the Catholic inhabitants of that iſland with the iron hand of power, it would become wiſe and neceſſary to cheriſh them in the boſom of paternal affection? Was the French Revolution expected in thoſe days? Was it preſaged that an Anti-chriſtian aſſociation ſhould, with gigantic ſtrides, march in triumph throughout the greateſt part of the civilized world, every where marking its progreſs with the ruins of Chriſtian altars? In one word, is it from the ſide of Popery, or from the oppoſite quarter of Jacobiniſm, that the Eſtabliſhed Church is moſt in danger at the preſent day? If this queſtion is anſwered in the manner in which I preſume it muſt be anſwered, then I apprehend the very obligation of *maintaining this Church to the utmoſt of the Sovereign's power*, requires a different line of conduct and politics from that which was purſued at his Majeſty's acceſſion to the crown, in conformity with the conduct of former Sovereigns, under a change of circumſtances, as I have ſhewn at large in the hiſtorical part of this diſcuſſion. To throw additional light on this matter, I will ſuppoſe, Sir, that you had thought proper to exact an oath

from your head ſteward, the purport of which was, that he would watch over and preſerve every part of your property to the utmoſt of his power, and that ſometime afterwards, in your abſenſe, a lawleſs mob, or a crew of pirates, had made a certain requiſition of corn or cattle at his hands, to be complied with, under the threat of burning down your houſe, and deſpoiling your whole property, would you hold him bound by the letter of his oath, in ſuch new and unforeſeen circumſtances? Would not you expect from his ſenſe and integrity, that he ſhould rather attend to, and be guided by, the ſpirit of it?

In the ſecond place, the meaſure of Catholic emancipation being of ſuch vaſt conſequence to the welfare of the State (and therefore to that of the Church), as the conduct of its beſt and wiſeſt rulers ſtill more emphatically ſpeaks than their language could, might not the mind of the exalted Perſonage in queſtion be relieved from its apprehenſions concerning it, on the ground of his ſolemn promiſes to the Eſtabliſhed Church, by ſome kind of remiſſion or commutation, on the part of thoſe its guardians and repreſentatives to whom the ſaid promiſes were originally made in her name, in conformity with the rules I have quoted for taking off the obligation of promiſſory oaths? There can be no doubt, but Juxton, and his fellow divines, had recourſe to theſe expedients,

for

for appeaſing the mind of Charles I. under the circumſtances which I have deſcribed above.

The laſt caſe in which I ſhewed that an oath, however valid, might ceaſe to be binding, is when it is abrogated by the ſubſequent interference of a competent authority affecting either the oath itſelf or the ſubject matter of the oath. Now that ſuch an authority exiſts in Parliament in both theſe particulars it would be treaſon to deny. The preſent Coronation Oath owes its authority and its very exiſtence to Parliament. Of courſe, then, it is evidently competent to interpret it, to alter it, or to abrogate it. The ſame muſt be ſaid of the Church itſelf, in whoſe favour this Oath was deviſed. This is expreſſly taught by the celebrated Blackſtone, where ſpeaking of the "Sovereign and uncontrolable power "of Parliament in making, reſtraining, abrogat-"ing, repealing, &c. laws concerning matters of "all poſſible denominations eccleſiaſtical or tem-"poral," he ſays, in ſo many words, that "*it* "*can alter the eſtabliſhed religion of the land.*" (1) This would be mere nonſenſe, and, of courſe, Parliament would have no ſuch power, if the King, who is a branch of the legiſlature, were reſtrained by his Coronation Oath from giving his aſſent to the votes of the two houſes in a matter of this nature. Hence, Sir, if the queſtion had been to

(1) Book I. Chap. 2.

carry the propoſed meaſure of Catholic emancipation by the ſtrength of the prerogative, I could have accounted for the ſcruple of conſcience, which is ſo much talked of, but when no other idea was entertained by thoſe illuſtrious perſonages, who conceived that the credit of Government and the welfare of the State were connected with it, than that its expediency ſhould be ſubmitted to the wiſdom of both Houſes of Parliament, and that his Majeſty's conduct ſhould be guided by their votes, I am loſt in aſtoniſhment that ſuch a ſcruple ſhould ſo much as be mentioned, either by any lawyer, or by any divine.

I have throughout this whole letter, Sir, taken it for granted (in order to diſcuſs the queſtion more thoroughly, and to contend with my oponents upon their own ground), that there might be ſomething incompatible in the terms of the Oath with the meaſure in contemplation. But caſt your eye, I entreat you, on thoſe terms, and tell me where the incompatibility is to be found. "Will you," ſaid the Archbiſhop, in the terms of the ſtatute,(1) "to the utmoſt of your power, "maintain the laws of God, the true profeſſion "of the goſpel, and the Proteſtant reformed re-"ligion eſtabliſhed by the law? And will you "preſerve unto the biſhops and clergy of this

(1) W. and M. Sec. I. Chap. 6.

"realm,

" realm, and to the churches committed to their " charge, all ſuch rights and privileges as by law " do or ſhall appertain unto them or any of them?" His Majeſty's anſwer, as directed by law was— " All this I promiſe to do."—I will not diſpute whether or no, by the term *this realm*, Ireland was ſtrictly to be underſtood at the time of paſſing the ſtatute, and that of his Majeſty's Coronation, but thus much I think certain and clear, that " the " maintenance of the religion eſtabliſhed by law," here ſpoken of, does not exclude the ſupport of another religion within the realm, the exiſtence of which does not militate againſt the former, becauſe King William, as I have mentioned, ſoon after the ſaid Oath had been appointed by law and adminiſtered to him, publicly took another oath " to maintain the true religion then received and " preached within the realm of Scotland, &c." and becauſe the Act of Union equally required the Sovereign to take both theſe oaths.

But, Sir, the queſtion here, as I underſtand, is not concerning any ſuch indulgence to the Catholics of Ireland, upon the preſent Union of their country with England, as was granted to the Preſbyterians of Scotland, when their country became united with ours in the reign of Queen Anne. The Proteſtant religion is ſtill to be *maintained* in Ireland, and its biſhops and clergy *preſerved in all their rights, privileges*, &c. The only object,

object, I apprehend, of the Emancipation which is ſo much ſpoken of, is to put Catholics on the ſame footing, as to civil rights, and the neceſſary means of ſupporting their religion, with other perſons who diſſent from the eſtabliſhed Church. Hence it is as plain as any demonſtration in Euclid, that if the Coronation Oath does not ſtand in oppoſition to the indulgences which have been granted to the latter ever ſince the beginning of King William's reign, it does not now ſtand againſt the ſame favours being extended to the Catholics. It is impoſſible to anſwer this reaſoning without wandering from the queſtion before us into the boundleſs regions of religious controverſy. From theſe, however, it would, at all times, be in my power to call back my opponent by this plain argument: the Parliaments both of England and Ireland, after thorough and repeated inveſtigations, have proved themſelves ſatisfied with the civil and the ſocial principles of the Catholics, and have accordingly received from them thoſe oaths of fidelity and allegiance, which they, the ſaid Parliaments, have appointed as teſts of ſuch principles. In theſe circumſtances, it appears to me there is no middle way, in point of juſtice and common ſenſe, for the legiſlature to hold. It muſt either declare the Catholics bad ſubjects, and reſume its paſt favours; or if it allows them to be good ſubjects, it ought to grant them

them all the liberty which other good ſubjects are allowed to enjoy, who do not ſubſcribe to the thirty-nine articles, as the teſt of their belief.—I have the honour to remain, &c.

POSTSCRIPT.

Since the preceding Letter was ſent to Preſs, a publication has appeared, entitled, "*A Letter to a Nobleman, from Charles Butler, Eſq. of Lincolns Inn,*" from which I ſhall take the liberty to extract the following paſſage:

"It is ſaid to be contrary to the King's Coronation Oath that he ſhould repeal any of the laws remaining in force againſt the Iriſh Catholics; but the repeal of them does not, in any reſpect, interfere with the Coronation Oath. This is equally clear from the words of the Oath, and the conſtitutional doctrines of the country.—As to the words of the Oath,—in the firſt clauſe of it, His Majeſty ſwears, "*to govern the people according to the ſtatutes in parliament* "*agreed on, and the laws and cuſtoms of the realm*;" this was evidently meant to denote thoſe ſtatutes, laws, and cuſtoms, which ſhould, from time to time, be the ſtatutes, laws, and cuſtoms of the realm, under the legiſlation of parliament. In the next clauſe he ſwears to maintain "*the Proteſtant reformed religion eſtabliſhed by law:*" this could only mean the Proteſtant reformed religion, as, from time to time, under the legiſlation of parliament, it ſhould be the church eſtabliſhment of the country. As to the conſtitutional interpretation of the clauſe,—it would be abſurd in the extreme, unconſtitutional, and perhaps even treaſonable,

treaſonable, to contend that the expreſſion in queſtion precludes his Majeſty from concurring with both houſes of parliament in any legiſlative act whatſoever. Even if it did preclude him from ſuch a concurrence, it would be no objection to his repealing the laws in queſtion, as the repeal of them will not interfere with the legal eſtabliſhment of the church, with any part of the hierarchy, or with any of its temporal or ſpiritual rights and privileges. After all, —it may be inquired what ſyſtem of caſuiſtry made it lawful for his Majeſty to aſſent to the repeal of the large proportion of penal laws, repealed by the Acts of 1778, 1782, and 1793, and now makes it unlawful for him to aſſent to the repeal of the ſmall proportion of thoſe laws yet remaining unrepealed; or that made it lawful for him to ſanction a partial repeal of the Teſt Act in 1782, and makes it unlawful for him to ſanction a total repeal of it in 1801. But all this diſcuſſion is ſuperfluous.—The Coronation Oath was fixed in Ireland by the 1ſt of William and Mary; *at that time Roman Catholic peers had their ſeats and voted in the houſe of lords. Roman Catholic commoners were eligible to the houſe of commons, and civil and military offices were open to the Roman Catholics*; they were deprived of theſe rights by the acts of the 3d and 4th of William and Mary, and the 1ſt and 2d of Queen Anne. Now, *the Coronation Oath can only refer to the ſyſtem of law which was in force when the Act which preſcribed it, was paſſed*; but the Iriſh laws, meant to be repealed, are ſubſequent to that Act; to thoſe laws, therefore, or to any ſimilar laws, the Coronation Oath cannot be referred."

FINIS.

C. Clarke, Printer, Northumberland Court, Strand.

SUPPLEMENT.

ADDRESSED TO

JOHN REEVES, Esq.

IN ANSWER TO HIS

"*Conſiderations on the Coronation Oath.*"

WITH

A POSTSCRIPT

ON THE SECOND EDITION.

SIR, MARCH 15, 1801.

THE circumſtances above ſtated, which have hitherto prevented the publication of my pamphlet, enable me now to ſend it abroad with much greater ſatisfaction than I ſhould have done when it was firſt printed. For, however confident I was in the ſtrength of the arguments which have preſented themſelves for the ſide of the queſtion that I have taken, yet it was natural for me to ſtand in ſome dread of thoſe which men of abilities might offer on the other ſide of it. But now that I have ſeen a writer of Mr. Reeves's acknowledged ingenuity, judgment, and conſtitutional knowledge, reduced to the neceſſity of adopting

palpable miſtatements, fanciful theories, and inconcluſive, or even contradictory inferences, in order to perſuade us that (what is called) Catholic Emancipation is incompatible with the Coronation Oath; nay, when I find him even forced, for this purpoſe, to invalidate thoſe principles of civil conduct which he has hitherto ſupported, with ſo much credit to himſelf, and benefit to his country, I cannot but look back to the contents of my own work with additional confidence, and conſider the opinion which I ſupport as in ſome degree eſtabliſhed. I am ſenſible, Sir, that I ought not to paſs ſuch cenſures as theſe on the compoſition of an author of reputation, and on a work which by many is cried up as unanſwerable, without being able to prove their juſtice. This, then, I ſhall attempt to perform, in the following conciſe review of your "*Conſiderations*," in which, however, I will not willingly overlook any paſſage which bears the face of an argument on your behalf. I muſt premiſe, that in treating you as my literary antagoniſt, and in doing the beſt juſtice in my power to the cauſe which I have undertaken, I ſhould be ſorry to be found wanting in that reſpect which I know to be due to you as a gentleman, and as a moſt meritorious ſubject of the ſtate.

You enter upon your work, Sir, by expreſſing

" ſurpriſe at the alarm which" you ſay " has " ariſen out of the recent Union with Ireland" (p. 1.), by the propoſal of an Emancipation of the Iriſh Catholics; a meaſure, as you affirm, that was " neither expected nor promiſed (p. 2.).— May I be permitted to aſk you, Sir, in what ſecluded ſituation have you paſſed the laſt two years? Or whether you are not juſt returned from a voyage to the Eaſt Indies? How elſe can we account for your never having been informed before the Union took place of the very plan and ſpirit of it, and of the means by which it was effected? But if, Sir, you are unacquainted with the communications which paſſed on this ſubject between the Catholics of Ireland and his Majeſty's Repreſentative in that country, communications which have been publicly avowed of late by that illuſtrious perſonage, and by his Majeſty's firſt Miniſter in this iſland, if you have been deaf to thoſe arguments in favour of the Union, that were echoed to and fro between the the Engliſh and the Iriſh Parliaments, and with which the united kingdom, on both ſides of St. George's Channel, ſo long reſounded, you can hardly be ſuppoſed to have overlooked the intimation of the particular branch of this Emancipation, againſt which your arguments are levelled, that is contained in the very articles of the recent

Union. Look at the 4th article: you will there find it agreed upon, that the members of the United Parliament ſhall take and ſubſcribe the uſual oaths, and declaration (which you know are excluſively levelled againſt Catholics), "UN-"TIL THE SAID PARLIAMENT SHALL "OTHERWISE PROVIDE." Give me leave, Sir, to ſay that your affectation of ſurpriſe at the agitation of the preſent queſtion is by no means candid or natural.

Nothing is ſo neceſſary for properly diſcuſſing any queſtion, as thoroughly to underſtand it, and accurately to ſtate it. Accordingly, Sir, methinks you ought to have gained authentic information of the ſcope and extent of the propoſed Emancipation, before you even ſet about the arduous and delicate taſk of inquiring, how far this may be compatible with the Coronation Oath. Inſtead, however, of this, by your own confeſſion, you have proceeded upon mere rumours (p. 2.), when finding that part which you had ſo heard of to be contrary to your ideas, or rather to your prejudices, you have raſhly proceeded to cenſure the whole plan, (deviſed and matured by the wiſeſt ſtateſmen and beſt friends of the Conſtitution in Church no leſs than in State, of the preſent times) as unconſtitutional, and as tending to diſſolve the compact between the Sovereign and

his

his people (p. 41.). Without profeſſing myſelf to be acquainted with the whole detail of the buſineſs, it is ſufficient for my preſent purpoſe to ſtate the general outline of it, as it has been repeatedly announced by the propoſers of it; namely, to do away ſuch remaining penalties and diſabilities as have been impoſed upon different claſſes of religioniſts on particular occaſions, and for temporary purpoſes; ſuch, in ſhort, as a Proteſtant Parliament, including the repreſentatives and guardians of the Eſtabliſhed Church, ſhall, after a mature deliberation, judge to add no ſtrength or ſecurity whatever to that Church, but, on the other hand, to obſtruct the principal and moſt neceſſary effects of the happy Union recently concluded. A late well-informed Catholic writer, ſpeaking of theſe remaining penalties and diſabilities upon perſons of his communion (though the ſame may be ſaid, with equal propriety, of the nominal diſabilities that hang out againſt Diſſenters), very properly deſcribes their effect in the following terms: "It keeps them (the Catholics) "from falling into the general maſs of the com-"munity, makes them a nation within a nation, "and holds them out to their fellow-ſubjects as "an inferior caſt, not to be honoured or truſted, "which it is the general intereſt of the nation "to treat as aliens, and to look upon with "jealouſy."

"jealouſy" (1). Independently of theſe conſiderations, we may readily conceive that, upon the union of two kingdoms which have had ſeparate Parliaments, ſome important ſtatutes may be found to have paſſed in one of them of a different, or even of an oppoſite tendency, to thoſe which have been enacted in the other, and that, of courſe, there may be a neceſſity of reviewing ſuch matters by a united legiſlature, in order to make the law conſiſtent with itſelf and uniform. Now, this I underſtand to be actually the caſe with reſpect to Catholics in different inſtances. For example, ſoldiers of that communion have, of late years, been indulged by the Parliament of Ireland with the open practice of their religion, but as the law at preſent ſtands otherwiſe in this part of the United Kingdom, the greateſt confuſion and diſaffection unavoidably takes place on the removal of an Iriſh regiment into this country, very much to the detriment, as is eaſily conceived, of the general intereſt. I learn alſo that there is ſome variety in the law with reſpect to the article of matrimony (an important point amongſt Roman Catholics, as it paſſes with them for a ſacrament), which may be eaſily reconciled much to their comfort as well as moral improvement, and

* Letter to a Nobleman from Charles Butler, Eſq. p. 10.

without

without the leaſt diminution of the Church's profits or authority. I will mention one more point of the utmoſt importance to the Catholics, on which, I think, the law, as it ſtands at preſent, is not conſiſtent with itſelf in either country. They are authoriſed to build and open chapels, and the ſervice which is performed in them is under the expreſs protection of the law, but if a ſingle ſhilling can be diſcovered to have been given or bequeathed for the repair or ſupport of ſuch chapels by their own people, it is liable to be ſeized upon, as being appropriated to *ſuperſtitious purpoſes*. I have no authority to ſay that the alleviation of theſe grievances form part of the intended Emancipation: but let us ſuppoſe, Sir, this to be the caſe, it does not follow that Catholics may not be relieved in theſe particulars, even though you ſhould prove, as I ſhall ſhew that you have not done, and though Parliament itſelf ſhould pronounce that they cannot be admitted to ſituations of truſt and dignity. I have pointed out the bad conſequences of your proceeding upon partial information, and mere rumour, in deciding upon the preſent important queſtion; but theſe are by no means ſo ſerious, or ſo culpable, in my opinion, as thoſe which follow from your venturing, on the ſame uncertain ground, to aſcribe to his Majeſty a determination

mination of not liſtening to the advice of his Parliament in this matter, and of rejecting any bill to the effect in queſtion, though it were propoſed to him by both houſes of the legiſlature (p. 2. & p. 6.). I leave others to qualify ſuch a report in proper terms; all that I ſhall ſay is, that your contributing to propagate it, is not in uniſon with your general conduct, and that you could hardly ſay any thing more injurious to the character of our beloved Sovereign, or more detrimental to his intereſt, particularly in the ſiſter iſland.

You profeſs, Sir, not to treat the preſent queſtion on the ground of expediency (p. 3.), and you maintain that it is "not to be debated, either in "or out of Parliament, on the various topics of "general policy and national utility," (p. 6.) but merely with reſpect to the terms of the Coronation Oath. To every argument of that nature, which the beſt and wiſeſt miniſters on earth may ſuggeſt to the Sovereign, you tell us, the Sovereign is bound to anſwer: "I cannot conſent to "a meaſure contrary to my engagement: what-"every comes of it, I muſt leave the conſequence "to God" (p. 25). But, Sir, give me leave to remind you, that every human law, and every promiſe, or other engagement, however confirmed by oath, muſt neceſſarily turn upon the cardinal virtue

virtue of prudence, which implies that it depends, as to the obligation of fulfilling it in ſuch and ſuch circumſtances, on the queſtion of expediency. After all, this is ſaying no more, than that the eternal and immutable law of nature, or rather of God, is paramount to all ſubſequent obligations which we may take upon ourſelves, whenever theſe appear to militate againſt each other. Suppoſing it to be legally decreed, that I ſhall reſtore to a man his ſword upon demand, which I have detained; nay, ſuppoſing even that I ſhould have bound myſelf by a ſolemn oath to perform this, yet I ſhall evidently offend both againſt juſtice and religion, if I return it to him when I foreſee that he will make ſome fatal uſe of it. To carry the caſe ſtill further, I ſhould be culpable, both before God and man, if I were to reſtore that weapon to him in whatever manner, or in whatver diſpoſitions he might demand it of me, when the uſe of it was neceſſary to me for the purpoſe of defending the life of my Sovereign, or, indeed, that of any other innocent perſon. An attention to ſuch caſes, which your own ingenuity, Sir, will enable you to multiply, *in infinitum*, muſt convince you that the circumſtance of expediency muſt enter into the queſtion of every contract, or other obligation, between man and man, as I have proved more at large in the pre-

ceding treatiſe. I have there alſo particularly ſhewn (to go back from " the manners, the life, " and the converſation of the preſent generation, " to the character and conduct, the habit and way " of thinking, deciding and acting, of much more " ancient date," as you ſo ſtrongly recommend (p. 10.)—I have ſhewn, I ſay, that the nurſing fathers, and the nurſing mothers, of the Eſtabliſhed Church, thoſe Proteſtant Sovereigns " who " have left remembrances of their character and " conduct on our ſtatute-books and records," as you expreſs it, have ever attended to the rule of expediency, and the particular circumſtances of the times, in the concerns of the Church, no leſs than of the State. They have ſometimes been ſevere, and at other times lenient, or indulgent, to the ſelf-ſame claſs of Diſſenters. Statutes have paſſed for the ſecurity of the Eſtabliſhment in one reign, and they have been repealed for the ſelf-ſame purpoſe in the next reign. In ſhort, as the ſituation of affairs have varied, they have purſued quite oppoſite meaſures to attain to the ſame end, the proſperity of the Eſtabliſhment civil and eccleſiaſtical. To this effect they have ever conſulted their wiſeſt counſellors, and particularly their reſpective Parliaments, inſtead of following their own private opinions, and haſtily exclaiming, as you recommend, " I cannot conſent to a meaſure

" that

" that I think contrary to my engagement : what-
" ever comes of it, I muſt leave the conſequence
" to God ;" otherwiſe, Sir, they would not have left either a Church or a State for their ſucceſſors to defend at the preſent day.

To bring this doctrine home to the ſubject immediately before us, you have quoted Dr. Sherlock, to prove that the " Church and the State " are ſo intimately united in one common intereſt, " that they muſt ſtand fall together" (p. 4.). Now, whether or no the State could abſolutely ſubſiſt without the Church, which ſome perſons who are acquainted with the ancient hiſtory of our Conſtitution, may be diſpoſed to queſtion ; thus much is inconteſtible and ſelf-evident, that the Church cannot poſſibly ſubſiſt without the State. The conſequence is, that the ſtrength and weakneſs of the latter are the ſtrength and weakneſs of the former, and that whatever meaſures our beſt and wiſeſt ſtateſmen find to be politically neceſſary, ought to meet with the ſupport of every true friend of the Eſtabliſhment. In vain, Sir, do you object to the "novelty and ſingularity" (p. 5.) of the preſent plan for uniting the hearts, and combining the ſtrength of all his Majeſty's ſubjects in their common defence. In vain do you recommend " the wiſdom of not doing" in order " to go on as we have done" (p. 7.). We

live in times when new and extraordinary expedients muſt be reſorted to, in order to counteract unexpected and unprecedented dangers. If a great deal is not done that our anceſtors never thought of doing, we are all inevitably ruined. This nation has ſtill to carry on the conteſt with its ancient and natural enemy, after he has doubled his numbers, by the many provinces which he has added to his original domain. To attain to the object of his ambition, and to increaſe his means of annoying us, he has ſoothed and flattered the paſſions and prejudices of all other political and religious deſcriptions of people whomſoever. What other policy then remains to be adopted by Britain, except to increaſe her ſtrength amongſt her own ſubjects, and to recruit her numbers within the precincts of own her ſea-girt ſhores, by removing every ſource of diſcontent and diviſion from amongſt her people, as far as is conſiſtent with her Conſtitution, and reducing them, as much as poſſible, into one homogeneous maſs, animated by the ſame ſpirit, and actuated by the ſame intereſt? This, Sir, is not a new-diſcovered policy, as you intimate, but what has ever been reſorted to by wiſe ſtates in circumſtances of difficulty and danger. Its effects, however, if not obſtructed by narrow jealouſies, are likely to be ſo beneficial in the preſent in-

ſtance,

ſtance, that the great Atlas of our ſtate has publicly declared, that he chiefly reſts his character with poſterity, on the ſhare he has had in introducing it.

Your learned readers, Sir, muſt certainly ſmile when they ſee you apply to the meaſure in contemplation that anſwer of the Catholic Barons, in the reign of Henry III. "*Nolumus leges Angliæ* "*mutari*" (p. 6.), which, if it were revelant on the preſent occaſion, would prove that the Reformation itſelf was illegal. You afterwards proceed to mention the "three forms of religion in this "country, that have each had their time of domi-"nation, the Popiſh, the preſent Church, and "Preſbyterianiſm;" which latter, you ſay, "has "been equally intolerant with Popery" (p. 10. & p. 11.), and then you inquire which of theſe forms is the fitteſt to have the aſcendency over the others, as having proved, in paſt times, the greateſt moderation, and averſion from perſecution. Such an inquiry is perfectly uſeleſs for every other purpoſe, except that of alarming the uninformed, and raiſing an idea, that the tendency of the propoſed Emancipation is to deprive the eſtabliſhed Church of her aſcendancy, whereas it really goes no further than to take away ſome later reſtrictions, impoſed upon certain claſſes of Diſſenters, on temporary occaſions, and

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to place things on the footing between her and them, on which they ſtood during the period of her greateſt ſtrength and proſperity, that is to ſay, during the reigns of Elizabeth, James I. and Charles I. Methinks, alſo, Sir, you do not act wiſely in deſerting a ſtrong and impregnable ſituation, that of the law and the choice of the people, in order to place the Church on one ſo liable to inſidious and violent attacks, as that of her comparative toleration in paſt ages. She has, and moſt aſſuredly muſt, continue to have the aſcendancy, or, in other words, to enjoy all the dignities and profits which the State can beſtow upon her, whilſt other congregations muſt be content with toleration, becauſe ſhe is eſtabliſhed by law, and becauſe the King and the great body of the people belong to her. It is indiſputable that at preſent ſhe is as mild and as benignant to every claſs of Diſſenters as they themſelves can expect or deſire; but when you carry back the ſubject into paſt ages, you only provoke the Papiſt to come forward with his Dodd (1), by way of proving that thoſe of his communion, who ſuffered the penalties of high treaſon on that account, during the reign of Elizabeth, and her immediate ſucceſſors were equal in number to the Proteſtants

(1) Dodd's Church Hiſtory, 3 vols. fol.

burnt

burnt by Mary; you only ſtimulate the Diſſenter to produce his Neale(1), and the Quaker his Penn (2), to demonſtrate that the evils which they have ſuffered from the Eſtabliſhment are infinitely greater than any which they ever inflicted upon her. But let us cloſe this acrimonious page, which, I ſaid, it was imprudent in you ever to have opened. In fact, truth obliges us to avow with the poet, that:

"*Iliacos intra muros peccatur et extra.*"

Hitherto, Sir, you have only been ſkirmiſhing, but now you come forward with your grand charge, which undoubtedly would be irreſiſtible, could it be properly ſupported. The points which you undertake to prove are:—That the Parliament which ſeated King William on the throne, made fundamental and unalterable laws for the ſecurity of the Eſtabliſhed Church, which no ſucceeding Parliament can ever ſet aſide—that the ſtrength and immutability of theſe laws conſiſts in the Coronation Oath—that this Oath contains a new reſtriction, by which the Sovereign is peculiarly bound in his legiſlative capacity, never to aſſent to any law that endangers

(1) Neal's Hiſtory of the Puritans.
(2) William Penn's Life and Acts of George Fox, fol.

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the ſaid Church;—finally, that the Emancipation of Catholics is of this nature, that is to ſay, is abſolutely inconſiſtent with its ſecurity. I believe, Sir, you will allow that I have fairly and clearly ſtated the main points which you labour to eſtabliſh. What I have here principally to remark is, that it would be ſufficient for my preſent purpoſe, to conteſt the laſt point with you, by demonſtrating that the propoſed meaſure is not, by any means, calculated to endanger, but rather to ſecure the Eccleſiaſtical Eſtabliſhment. In fact, if I proceed to refute each one of the foregoing poſitions, as I mean to do, it is, as logicians ſay, *ex abundanti*. I ſhall not ſo much vindicate the Emancipation, as prove that your pamphlet is not ſuch a maſter-piece of reaſoning as ſome of your friends boaſt that it is.

You repreſent the firſt Parliament to King William's reign, as framing "fundamental conſtitu-"tions of the realm that ſhould remain unalter-"able, and ſecure poſterity againſt the dangers of "Popery" (p. 16). It is true they uſed the moſt effectual expedient that could be conceived for this purpoſe, though this conſiſted not in the Coronation Oath, as you maintain, but in the Bill of Rights, in conſequence of which the eſtabliſhed Church has every ſecurity againſt that and every other enemy that human laws can invent. But it

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is not in the power of the wiſeſt man's ingenuity to invent any conſtitution, which, of its own nature, is eternal. No prior legiſlature can bind a ſucceeding one. The ſame authority which enacted can abrogate; the ſame force which built can deſtroy. This is the expreſs doctrine of that great luminary of the law, Blackſtone, who, ſpeaking of the "omnipotence of parliament," as it exiſts at each ſucceſſive period, teaches that it "can change and create afreſh, even the conſtitution of the kingdom;" and, applying this doctrine to the Church, he ſays, that "Parliament "can alter the eſtabliſhed religion of the land" (Book 1. c. vi.). Again, Sir, I muſt advert, that I am barely refuting your abſtract propoſition, but by no means applying it to the propoſed Emancipation, with which, in fact, it has nothing at all o do.

To ſpeak the truth, you ſeem afterwards to abandon this firſt ground that you had taken as untenable, where you ſay that "to make unalterable laws *ſeems* to be an impoſſibility, ariſing "from the very omnipotence of parliament itſelf" (p. 17.). However you fancy that this ſame point was gained, in an indirect manner, after the Revolution, by the device of binding the King's conſcience, who, you ſay, "makes and executes the "law by the aſſiſtance of ſuch adviſers and coun-

" ſellors, *as the uſage of the realm has aſſigned him*" (p. 17.). Leaving others to judge how far this language is conſtitutional, permit me to aſk you, Sir, was there then no Coronation Oath before the reign of William? Were not the conſciences of preceding monarchs bound to maintain the Conſtitution no leſs than his was? Again, cannot that authority which exacts an obligation, however confirmed by oath, remit the ſame, if it ſees reaſon for ſo doing? If I ſwear to my creditor, that I will pay the money I owe him, and he forgives me the debt; am I ſtill bound to refund it? And what becomes, in this your ſuppoſition, of the omnipotence of Parliament that we have juſt heard of, not only with reſpect to the eccleſiaſtical, but alſo the civil Conſtitution, if the King, who equally ſwears to protect both, is obliged, by his conſcience, to reject every poſſible alteration which the two houſes may deem neceſſary?

But, it ſeems, you have diſcovered in the terms of the Oath appointed by the 1ſt of W. and M. that the Sovereign is bound by a peculiar and ſuperior kind of tie to protect the eccleſiaſtical, in preference to the civil Conſtitution, which you call " a novel reſtriction" (p. 20.), and which hinders him, ſince the aforeſaid period of the Revolution, from aſſenting to any future change in that reſpect,

reſpect, however intent both Houſes of Parliament may be upon making it. If this were ſo, it is very extraordinary that Blackſtone, whoſe zeal for the intereſt of the Church is ſo conſpicuous, ſhould not have made the ſame diſcovery. So far, however, from it, he expreſſly teaches that "the principal articles of the Oath "are as ancient as the Mirror of Juſtices, and even "the time of Bracton (viz. the reign of Henry III.); "and that the wording (alone) was changed at "the Revolution." He aſſigns the reaſon for this change out the ſtatute itſelf, the framers of which appear to have been totally unconſcious of the meaning that you aſcribe to them, but alledge their motive to have been "becauſe the Oath had "been framed in doubtful words and expreſ-"ſions, with relation to ancient laws and conſtitu-"tions at this time unknown." You have given us the terms of King William's Oath; had you alſo preſented us with that taken by his predeceſſors, we ſhould have diſcovered what theſe "doubtful words and expreſſions" were, and which form of Oath, upon the whole, was moſt favourable to the Church. By the preſent form of Oath, the King, in the 3d article of it, promiſes, "to maintain, to the utmoſt of his power "the laws of God, the true profeſſion of the "Goſpel, and the Proteſtant reformed religion

" eſtabliſhed by law, and to preſerve to the biſhops " and clergy of this realm, and to the churches " committed to their charge, all ſuch rights and " privileges as by law do or ſhall appertain to " them or any of them." The terms of the ancient Oath were, in the firſt article of it, that the King would "keep, and by his Oath confirm—the laws, " cuſtoms, and franchiſes granted to the clergy by " the glorious King St. Edward, according to the " laws of God, and the true profeſſion of the " Goſpel eſtabliſhed in this kingdom." By the laſt article of the ſame Oath, he ſwore to " pre- " ſerve and maintain the biſhops and the " churches committed to their charge all cano- " nical privileges, and to be their protector and " defender to his power."(1) I need not, I preſume, remind you, Sir, that at the time when this Oath was framed the clergy enjoyed immunity from taxes, and from being tried at ſecular tribunals, and that many of the churches were inviolable ſanctuaries to the greateſt criminals, and that the biſhops alone could judge and decide in all articles of religion and eccleſiaſtical diſcipline. Now, though theſe franchiſes and canonical privileges were in the Oath qualified by the clauſe which mentions " the true profeſ-

(1) Collier's Church Hiſt. Vol. II. p. 736.

" ſion

" ſion of the Goſpel eſtabliſhed in this kingdom," a clauſe, as I have intimated above, (1) that ſeems to have been introduced at the coronation of James I. ſtill, as there had been much conteſt during the reign of Charles I. concerning theſe immunities, and as Archbiſhop Laud had even been accuſed of altering the Coronation Oath in favour of his own high-church pretenſions and ſuperſtitious prejudices, as they were deemed by the patriots of the day, their ſucceſſors in 1688, embraced the opportunity that then offered of removing thoſe obnoxious phraſes, and of confining the royal promiſes to the mere maintainance of the religion eſtabliſhed by law, and to the preſervation of ſuch privileges in favour of the clergy, as were, or ſhould be clearly aſcertained from the exiſting ſtatutes. You ſee then, Sir, how groſsly you have been miſtaken in fancying that the alteration of the Coronation Oath, which took place at the Revolution, was made to extend the rights of the eſtabliſhed Church and clergy, whereas it was rather made to fix and confine them.

The two arguments which you inſiſt upon, in order to prove that the Sovereign is more bound by his Oath to defend the eccleſiaſtical than the civil Conſtitution, are ſuch as might be expected

(1) p. 13.

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in favour of ſuch a fanciful and inconſiſtent theory. You ſay firſt, that unleſs the third article, relative to the Church, implies the meaning which you aſcribe to it, no more would be promiſed by it than is contained in the firſt article, where the King binds himſelf "to govern his people accord-"ing to the ſtatutes in Parliament agreed upon, and "the laws and cuſtoms of the kingdom" (p. 21.). But give me leave to aſk—is it no advantage or honour in a general charter of rights and privileges to be particularly named? Again, did not the Sovereign in the ancient formula equally promiſe to govern the people according to the laws and cuſtoms of the land? Your ſecond argument, as far as I can develop its meaning, is, that the King engages himſelf in the terms of the Oath to maintain the religion *eſtabliſhed by law*, namely, that which is actually eſtabliſhed, not that which may be ſo eſtabliſhed (ibid.). But do not you ſee, Sir, that this interpretation would equally reſtrain him from conſenting to any new law of a civil nature? In fact, he ſwears in the firſt article to govern his people "according to "the ſtatutes in Parliament *agreed upon*;" and yet you yourſelf do not pretend to reſtrain him, by virtue of thoſe terms, from governing them, in all ſuch matter, according to the laws that from time to time *ſhall be ſo agreed upon.*

Your remaining argument in favour of this forced

forced conſtruction is of ſo extraordinary a nature, that I almoſt think it has been foiſted into your Pamphlet by ſome unfriendly hand. In fact, it is not barely inconcluſive, but it actually eſtabliſhes the point in debate againſt yourſelf. We learn then from yourſelf, that at the very time when the preſent form of Oath was under conſideration in the Houſe of Commons, the toleration of the Diſſenters, which followed ſoon after, was actually in contemplation, and that in order to favour this meaſure, an amendment was moved, that inſtead of *religion eſtabliſhed by law*, it ſhould be worded " AS SHALL BE eſtabliſhed by law;— " but that thoſe who were for the original motion " ſeem to have conſiderd this point ſufficiently ſaved " to the King by the wording as it ſtood, and the " amendment was accordingly thrown out." For this anecdote you refer us to Grey's Debates, March 28, 1689. Now, Sir, what is it that you here tell us? Namely, that the Parliament which framed this Oath, at the very time of their framing it, conſidered the two clauſes, *religion eſtabliſhed by law*, and, *religion that ſhall be eſtabliſhed by law* to be tantamount to each other; and that they admitted King William to be at full liberty by the Oath, as it actually ſtands, to perform the very counterpart of that meaſure which you deny his Majeſty the liberty of performing in the preſent inſtance.

inſtance. In fact, Sir, were not the Diſſenters equally excluded from Parliament with the Catholics? And how were they admitted into it? By nothing leſs than by altering the Oath of Supremacy, as it had formerly ſtood, in the article of the royal eccleſiaſtical ſupremacy, and thus waiving a poſitive article in the belief of the Church of England, in their favour.—Tell me now, Sir, by what logic you will prove that what you admit to have been legally done for Preſbyterians, cannot be legally done for Catholics, if the legiſlature ſhould now deem it expedient to admit them to equal favour, and that the ſame power which altered the Oath of Supremacy, as to one of its main branches, cannot alter it with reſpect to the other.

Such are the ſandy grounds, on which you build your new invented theory concerning the import of the Coronation Oath; a theory unknown to Blackſtone and former writers, nay, unknown to the framers of that Oath, as is clear from the motive which they aſſign for ſo framing it; a theory that would equally prove the Reformation to be unconſtitutional, that deſtroys the omnipotence of Parliament, and withdraws from its authority and cognizance an infinite variety of concerns, which are of the laſt importance to the State; that circumſcribes the royal power itſelf, and hinders the Sovereign from maintaining the Church to the beſt

beſt of his judgment and power; in ſhort, that precludes every improvement and additional ſecurity which the ever-varying circumſtances of the time may render neceſſary. In fact, you elſewhere repreſent "the Church eſtabliſhment as com-" plete as it was well capable of being," and ſay, " that therefore our forefathers cloſed the queſtion " of improvement, and thought they did ſufficient " when they only ſtipulated with the crown for " maintaining it as then eſtabliſhed by law" (p. 37.). But ſuppoſing her to be complete, which by no means accords with the propoſals that I hear and read amongſt her moſt reſpectable members, conerning a reviſal of the liturgy, the ſuppreſſion of the Athanaſian Creed, an alteration of the laws concerning reſidence, &c. have you any ſecurity that ſhe will remain complete, without repeated and freſh meaſures to keep her ſo? In other words, do you ſet up a claim in her behalf of her immutability and infallibility, againſt which ſhe ſo ſtrongly proteſts in her articles? On the other hand, ſo far from the Church " covet-" ing no augmentation" (p. 36.), or " our anceſ-" tors from barely ſtipulating that ſhe ſhould be " maintained as ſhe then was," that it forms part of that very clauſe in the Oath, to which you have paid ſo much attention, that the Sovereign " ſhall preſerve to the biſhops and clergy, and to

" their Churches, all ſuch rights and privileges as " by law do OR SHALL appertain to them." So far then it is demonſtrated againſt you, that the condition of the Church is not abſolutely " ſta- " tionary," but that the law may at leaſt interfere to increaſe her privileges.

If any more arguments were neceſſary to evince the abſurdity of your ſyſtem, they are the corollaries which you yourſelf draw from it. You tell us then that the Parliament of 1689, to which you aſcribe ſuch a paramount juriſdiction over all ſucceeding Parliaments, " left the Sovereign " in full poſſeſſion of all the diſcretion as " well as power of aſſenting to laws in other " caſes, but in what related to religion they " thought it prudent and juſtifiable to guard him " againſt the counſels of his lawful and conſtitu- " tional adviſers" (p. 24.); which in your language means the two Houſes of Parliament—that " they " determined to confide the intereſts of religion " and the Church to the conſcience of the King, " independent of the lawful adviſers of the Crown (p. 25.); that they had grown to think that the conſcience of one virtuous and good man" (as if they had any ſecurity of always having ſuch a one for their King), " intruſted with ſovereign power is " a better ſecurity than the wiſdom of all his " counſellors in matters of religion;" " that the

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" King may be full as competent a judge of this " particular ſubject as the whole of his council ;" (p. 26.) nay, that " even he may be more compe- " tent than any ſubject in his dominions" (p. 27.) ; finally, that " whoever ſits upon the Britiſh Throne, " will always be able to judge for himſelf in theſe " affairs of the Church, and diſcharge his duty " of guardian to it, not only with a good con- " ſcience, but with a good underſtanding alſo" (*ibid.*). All this information, and a great deal more of the ſame ſort, your fertile imagination derives from the ſingle circumſtance of the aforeſaid Parliament having made a ſlight verbal alteration for aſcertaining the meaning of the Coronation Oath. Such extravagancies are better confuted by being ſimply propoſed, than by being argued upon. I ſhall, however, make one remark. You deſcribe the patriots of the revolution, as thus enlarging the royal power in the moſt important article of religion, at the very moment when they were circumſcribing and curtailing it in every other particular ! You exhibit them as blindly confiding that important concern to the conſcience of each ſucceeding King, independently of Parliament, immediately after they had chaſed away James II. and altered the ſucceſſion for his attempts to ſubvert it !

Having advanced thus far, you find yourſelf

ſuddenly ſtopped embarraſſed by the recollection of *The Toleration Act*, which took place almoſt immediately after the formation of the Coronation Oath, and which you inform us was in contemplation at the very time of framing it. The fact is, you are here obliged to contradict in ſubſtance all that you had before advanced, concerning the King's being "guarded by his Oath, not only "againſt his conſtitutional adviſers, but alſo "againſt himſelf and the wanderings of his own "mind, upon doubtful ſuggeſtions of expediency, "and the flattering proſpect of any ſpecious good, "&c." (p. 24). In ſhort, you are forced to admit, that "the obligation of the Coronation Oath was "not deemed ſo peremptory upon the King as to "deprive him of a diſcretion to aſſent to ſome "laws for alterations of a particular ſort in the "Church eſtabliſhment" (p. 29). But, not to follow you, Sir, through the laboured tortuoſity of your expreſſions on this embarraſſing ſubject, it is ſufficient for me to obſerve, that the inſtance in queſtion proves all that your adverſaries contend for, and "is a caſe in point to aſcertain the "diſcretion of the crown," with reſpect to that very branch of Catholic Emancipation, which you chiefly object to, as unconſtitutional. Let me then remind you, Sir, that you have before deſcribed the Acts which were paſſed againſt the Diſſenters, in

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the reign of Charles II. as " guards no leſs neceſ-
" ſary for excluding them from obtaining any
" ſhare in the adminiſtration of the government,
" and from being in a ſituation gradually to un-
" dermine it" (p. 13), than thoſe which were then framed for the ſame purpoſe againſt the Catholics; that you have deſcribed the characters of theſe two ſects as equally unfavourable to the Conſtitution; that you have aſſerted " Preſbyte-
" rians to have been equally intolerant in England
" with Popery" (p. 11). I may add, that " if the
" latter attempted to overturn the eſtabliſhed
" religion, the former actually deſtroyed it, and
" monarchy itſelf together with it." Now, Sir, if, notwithſtanding all this, you admit that William III. was not reſtrained by his Oath from uſing his diſcretion with reſpect to the expediency of removing the " fences and guards," which had been placed for the protection of the Conſtitution againſt the ſaid Diſſenters but a very few years before, and from actually admitting them into the boſom of Parliament itſelf, I defy you to ſhew how his Majeſty is precluded, in the preſent day, by his Oath, from conſenting to the very ſame indulgence, in favour of his Catholic ſubjects, if this meaſure ſhould appear as expedient for he general welfare of Church and State now, as the comprehenſion of the Diſ-

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ſenters did then. After all it muſt be allowed, that the ſpirit of Catholicity, which is monarchical, is more congenial with our Conſtitution than that of Calviniſm, which is certainly more or leſs democratical. If you ſtill perſiſt in maintaining the revolting poſitions that his Majeſty cannot do that in favour of Catholics which his predeceſſors have done in behalf of Diſſenters, and that the ſtatutes of the 25 Car. II. c. 2. and the 30 Car. II. c. 1. paſſed under the panic phrenſy of a Popiſh ſucceſſor, and of imaginary Popiſh plots, are the *pactor conventa regni*, as you term them, and abſolutely immutable, I will tell you in return, that each of theſe very ſtatutes have been removed, in a great meaſure, by his preſent Majeſty, and deprived of their principal efficacy. For by the 33 Geo. III. c. 21. Iriſh, it is made "lawful for Catholics to hold, exerciſe, and enjoy all civil and military offices, or places of "truſt and profit, within the kingdom of Ireland," with the exception of a few there named; and by the 31 Geo. III. c. 32. Engliſh, that clauſe of 30 Car. II. is repealed, which excludes Catholics from the royal preſence and the court. Now I need not inſtruct you, Sir, from the whole hiſtory of the Stuarts, that the greateſt jealouſy was ever entertained of the influence of Popiſh courtiers and adviſers about the

the King's perſon, when no danger whatever was apprehended from their weight in parliament.

You now enter at large on the diſcuſſion of the legiſlative Unions between England and Scotland, in the firſt inſtance; and between Great Britain and Ireland, in the ſecond. But after having employed ſeveral pages on theſe ſubjects, you are unable to collect any thing elſe from them, except that in each of theſe concordates, the ſettlement of the Eſtabliſhed Church in the parts of the kingdom referred to, is made to remain FOR EVER, on which two words you are never tired with ringing the changes; as if there were any queſtion at preſent concerning the perpetuity of that Church, or as if Chriſtians of any denomination, who believe their religion to be true, would be content that it ſhould only exiſt for a limited period. In the end, however, you yourſelf ſeem not to be quite ſatisfied with this argument, having reflected that "all acts "are, in fact, made to laſt for ever, if none other "are made to repeal them:" you, therefore, wiſely abandon it to its fate, in the language of the ſchools: "*Valeat quantum, valere poteſt*" (p. 34,). Let us now, Sir, ſee what arguments againſt yourſelf, and in favour of the meaſure in queſtion, reſult from theſe grand national tranſactions. In the firſt place, then, it follows from the ſtatute confirming

confirming the Union with Scotland, that the Sovereign's Oath to "maintain the ſettlement of "the Church of England in its doctrine, worſhip, "diſcipline and government, to the utmoſt of his "power," does not prevent him from even protecting another Church, different from the former in all theſe particulars, and from admitting its members, in a conſiderable proportion, into Parliament, and into the higheſt offices of the State, ſince the ſtatute in queſtion provides for the ſecurity of both theſe Churches, and for the rights and privileges of their reſpective members. From the terms of the Iriſh Union, as I have already intimated, ſomething more expreſs in favour of the particular meaſure in contemplation is to be collected. For I have already reminded you, that the ſame articles which provide for the perpetuity of the Eſtabliſhed Church in both iſlands, admit the very principle, which you contend is incompatible with it, namely, the conſtitutional legality of remitting the Oaths and declarations, made to exclude Catholics from the ſenate; ſince it is agreed upon, that theſe ſhall remain in force UNTIL PARLIAMENT SHALL OTHERWISE PROVIDE. This principle then, Sir, which you ſo ſtrongly conteſt, and againſt which your whole publication is levelled, has already received the ſanction not only of the re-

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ſpective Parliaments of both iſlands, but alſo of his Majeſty himſelf.

In proportion, Sir, as your premiſes are always weak, your concluſions are always ſtrong. "From "theſe declarations of Parliament, in favour of our "Proteſtant Church, we may collect," as you ſay, "that it was intended thereby to cloſe for ever "the debate with the Church of Rome" (p. 35.); whereas, in fact, there is nothing more implied by them againſt that Church, than there is againſt Preſbyterianiſm, Mahometanim, or any other religion that does not agree "in doctrine, worſhip, "diſcipline and government with the Church of "England," but barely an engagement to maintain theſe, in their primitive ſtate, againſt external violence and internal decay. To comply with this very engagement, it is ſelf-evident that poſſibly new fences may be adviſeable, new privileges advantageous, and, in ſhort, different meaſures, adapted to the circumſtances of the times, may be requiſite. Nevertheleſs, in oppoſition to the very nature of human things, you deſcribe "the concerns of the Church as ſtationary," and, therefore, exempt them from the cognizance of Parliament; ſetting up as bold and extenſive a claim for their exemption from temporal juriſdiction, as ever was maintained by the eccleſiaſtics of the 12th century. This doctrine, Sir,

may anſwer your preſent purpoſe, but it is not calculated for the permanent advantage of the Eſtabliſhed Church, nor is it that which its friends have aſſerted in paſt ages. But I ſhall ſay no more on this ſubject, having before, in part, ſpoken of it, and I ſhall paſs over altogether your declamations againſt the "promoting a brotherhood of affections, and a conciliation of religious differences" (p. 38.); with barely obſerving that theſe ſentiments, in whatſoever mouth they are found, will meet with general applauſe at the preſent day.

You now proceed to the fourth and main article of your charge; the only one, as I have ſaid, which there is any abſolute neceſſity of attending to in the preſent queſtion: namely, that the propoſed Emancipation of Catholics, is inconſiſtent with the ſafety of the eſtabliſhment. The propoſition carries ſo much abſurdity on the face of it, that you are obliged to have recourſe to rhetorical amplifications in order to ſtate it. "To "be a Church," you ſay, "eſtabliſhed by law, it "muſt be in peace and in honour, protected not "only from actual encroachment, but from the "danger of it; without fears or jealouſies; not "trembling for its ordinances, or crouching for "the ſecurity of its rights and privileges" (p. 39). To this I anſwer as follows: if the queſtion of

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real danger had been decided by the affected fears and narrow jealouſies of the intolerant, King William's Act in favour of the Diſſenters would not have paſſed, nor would the relaxation of Queen Elizabeth's bloody ſtatutes againſt Catholics have taken place in the preſent reign; but if it is to be judged of by the good ſenſe and charity of enlightened and liberal men, who conſider the effect of the precedent in point, namely, that of the Diſſenters' Toleration Act, who contemplate the paſt and preſent ſtate of Catholicity in this and other parts of Europe, and who reflect on the abſolute reſtraints upon the latter, which will neceſſarily remain after their propoſed Emancipation, no danger whatever to the Church can ariſe from it, but rather that additional ſecurity in its behalf, which is one of the leading motives with ſo many illuſtrious Proteſtant ſtateſmen for befriending it. Was the Church weakened, or rather was it not ſtrengthened, no leſs than the State, by the comprehenſion ſo often mentioned of the Diſſenters in King William's time, and by the admiſſion of ſo many Scotch Preſbyterians into Parliament in the following reign? Can the Church be ſaid to "tremble for its ordinances, "or to crouch for the ſecurity of its rights and "privileges," becauſe Diſſenters, and, perhaps, ſome others, who do not believe quite ſo much

of the eſtabliſhed creed as they do, ſit in the national ſenate at the preſent day, and hold civil and military offices? Have they acquired "domination," becauſe they are not excluded from Parliament? As to the preſent ſituation of the Church of Rome, once ſo powerful, I ſhall ſay no more of it now, after all the great events that we have lately witneſſed on the Continent, than what Dr. Johnſon ſaid of it twenty years ago, namely, that thoſe who cry out POPERY! POPERY! in theſe times, are like thoſe who ſhould have cried out, FIRE! FIRE! in the general deluge. With reſpect to the Engliſh Catholics, I underſtand, that there are but five peers left amonſt them to claim ſeats in the upper houſe, in the event of an Emancipation, and that there is no probability of a greater number of their commoners even aiming at that honour in the lower houſe. And can any real danger ariſe to the Church from the infuſion of theſe few drops of Catholicity into a Proteſtant ſenate, conſiſting of a hundred times their number, though they were ſo unnatural as to concur with the Anti-chriſtian faction of the times in attempting this, without any other proſpect than that of ſubſtituting abſolute infidelity in its place, and of involving their own Church in the common ruin? Again, what miſchief can ariſe from their being

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rendered capable of taking military and civil offices, whilſt they can neither accept nor hold ſuch offices but at the pleaſure of a Proteſtant Sovereign? Queen Elizabeth employed Catholics in her ſervice, ſo did her two immediate ſucceſſors, during the moſt vigorous and flouriſhing age of the Church. In the reign of James I. above twenty of the principal Lords in Parliament were of the Catholic perſuaſion. It was only at that diſgraceful period, when, as Hume obſerves, "reaſon and argument, and common "humanity, had loſt all influence on the public "mind," when a hoſt of innocent victims were immolated to a relentleſs phrenſy, roufed by the dread of a fabricated plot, that the doors of Parliament were ſhut againſt Catholics by the 30th of Charles II. ſec. 2. And will you any longer deſcribe that ſtatute, as a deliberate act of national wiſdom? Will you pretend that it is neceſſary for the ſecurity of the Eſtabliſhed Church? Will you aſſert that the innocence of Catholics, with reſpect to the ſaid plot, being inconteſtibly demonſtrated by all hiſtorians, the penalties that were inflicted on that ſcore, ought to be perpetuated till the end of time?

According to the eſtabliſhed rules of oratory, Sir, you have reſerved your thundering argument for the laſt. In truth it is, of its own nature, ſo tremendous

tremendous a weapon, that if I had not beforehand disarmed it of all its terrors, I should not venture to meddle with it. You tell us then, Sir, that "the Coronation Oath is the original contract on the part of the King, as allegiance is "that on the part of the people" (p. 41). The consequences which you intimate would result from the proposed Emancipation, and particularly from the repeal of the 30th of Charles II. are too obvious to be pointed out, and too seditious to be repeated. I should not indeed have expected from a person of your high-flown notions of kingly power, such dangerous insinuations on this delicate subject, which go to justify almost every rebellion that has ever been raised on religious accounts, nor do I think I should have heard them from you now, if you had given yourself time to reflect on the present inferences to be drawn from them. I shall content myself with asking you the following questions: In what reign was the Catholic religion erected into an Establishment in Canada and Corsica? What Sovereign was it, who "with the assistance of "such advisers and counsellers as the usage of "the realm has assigned him" (according to your unconstitutional language), made the law by which the Test Act is almost wholly repealed with respect to Catholics, no less than Dissenters

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in Ireland, as alſo that law by which the moſt important branch of the 30th of Charles II. c. 1. is cancelled? In ſhort, who is it that has ſanctioned the principle for repealing the remaining branch of it in the 4th article of the late Union with Ireland? I need ſay no more. I am ſure your eminent loyalty, your glowing affection for the beſt, moſt upright, and moſt amiable of Sovereigns (an affection which is heightened in your breaſt, as it is in thoſe of all good ſubjects, by his late illneſs, owing, I fear, greatly to the ſuggeſtion of unfounded ſcruples) will make you ſtart from the inferences of your own doctrine, and make you wiſh that, at leaſt, the pages before me were utterly cancelled from your book. The truth, however, is, I have already reduced this tremendous argument to the ſtate of a mere *brutum fulmen*, having clearly proved that the Coronation Oath, in no manner interferes with any act of the abovementioned nature, which his Majeſty has either ſactioned, or been requeſted to ſanction.

After what you have ſaid concerning the King's contract, contained in his Oath, you find it neceſſary to make ſome ſort of reply to an obvious objection, namely, that if the other party to the contract conſent, viz. the Parliament, as repreſentatives of the Church and people, the obligation

tion of it may be remitted (p. 42.). The inference is demonſtratively evident, as I have already proved, on the principles both of the Conſtitution and of morality, though I muſt once more ſay, there is no occaſion of any ſuch remiſſion for the preſent purpoſe. But no, you alledge this contract never can be cancelled, though both the contracting parties ſhould be deſirous of it, becauſe it has been confirmed by an Oath (p. 43.). Give me leave to aſk, for what purpoſe is the Oath, in all ſuch caſes, added to the contract, except merely to ſtrengthen it? Hence the contract being diſſolved (as when the creditor forgives the debt which the other party may have ſworn to pay him), the obligation of the Oath ceaſes of courſe with it. Should the caſe ever happen that the Coronation Oath were again to be changed, by a concurrence of the three branches of the "legiſlature," it would not be by "the Lords and Commons propoſing to the King "to paſs a diſpenſation to abſolve himſelf from "his Oath" (p. 43.) already taken, according to your quibbling caſuiſtry, but they by offering a Bill to the above-mentioned effect would declare, in the name of his ſubjects, that they no longer held him bound to the obligations of the Oath which they had formerly exacted of him; on the other hand, the King by paſſing ſuch an act would

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declare that he accepted of their remiſſion of his obligation.

You conclude with an awful warning of the fatal conſequences to be expected from "ſpecula-"tions for a conciliation of religious differences," which you tell us, "loſt James his crown" (p. 43). Give me leave, Sir, in return, to inform you, and with all poſſible earneſtneſs to impreſs upon your mind, that it was not the bare attempt to "pro-"mote the brotherhood of affections, and to heal "religious differences," which brought about the depoſition of that miſguided Monarch, ſince that wiſe plan has been acted upon, more or leſs in every ſubſequent reign, and in none ſo much as in the preſent (1); but preciſely his affecting that line of conduct, which you contend is the inherent right and duty of the crown, namely, his aſſuming to regulate the affairs of religion from the ſuggeſtions of his own mind, and independently of the advice and authority of Parliament. No, Sir, "the brotherhood of affection, and "the conciliation of religious differences," are

(1) See the preambles of moſt of the late Tolerating Statutes, particularly that of the 21 and 22 Geo. III. c. 24. Iriſh, in which it is declared, that it is for "the proſperity and ſtrength "of his Majeſty's dominions, that his ſubjects of all denomina-"tions ſhould enjoy the benefits of a free Conſtitution, and be bound to each other by mutual intereſt and affection."

not the fatal evils to be guarded againſt at the preſent day; but contracted views, mean jealouſies, bigotted intolerance and internal diviſions. Such cauſes have diſſolved thoſe grand confederacies to which the nations of Europe looked up for the preſervation of their reſpective religious as well as civil Conſtitutions. The ſame have opened a ready way in each reſpective ſtate for the victorious entry of their common oppreſſors. Let the inhabitants of theſe hitherto privileged iſlands learn wiſdom by their misfortunes. Let us liſten to the advice of thoſe great and enlightened ſtateſmen, who aſſure us that the late Union, carried into effect by a general aſſociation of intereſts, hands and hearts, is indiſpenſibly neceſſary for the ſecurity of the eſtabliſhment in Church and State of the UNITED KINGDOM.

I have the honour to remain, &c.

The AUTHOR.

POSTSCRIPT.

POSTSCRIPT.

MARCH 19.

THE ſecond edition of your CONSIDERATIONS, with ADDITIONS, having juſt come to hand, I ſhall here endeavour to give a ſatisfactory ANSWER to this additional matter, as, I truſt, I have already done to that work in its original ſtate: my only difficulty will be to perform this with the brevity to which I am deſirous of confining myſelf.

The firſt addition that I have obſerved in your latter edition is at p. 45, where you notice the argument which the advocates for the admiſſion of Catholics to civil and military offices, have drawn from the reſtraint the latter would ſtill lie under, in the event on emancipation, by reaſon of the diſpoſal of theſe offices neceſſarily reſting with a Proteſtant Sovereign. To this argument you reply: "Why "ſhould the odium of making ſuch diſtinctions be thrown "upon the King; and why ſhould we run the hazard of "ſome future King not making any ſuch diſtinctions at "all." I thought, Sir, you had gained ſome ſecurity on this point, from what you urge concerning it in pages 30, 31 and 32. However that may be, thus much is evident that ſo far from its becoming odious in the ſovereign to exclude perſons from office, who were really labouring to ſupplant the religion of the great maſs of his ſubjects, nothing

would gain him greater popularity. The real odium, according to my opinion, to be avoided in this concern, is that which attaches to the crown, as the laws ſtand at preſent; for example, a Catholic nobleman or gentleman, of the the higheſt character for probity, loyalty and patriotiſm, after having injured his fortune in raiſing and arming his tenants and dependants for the defence of his King and country, is officially told that he cannot appear at the head of them himſelf, becauſe he believes in tranſubſtantiation, but that if he will abjure this doctrine according to the declaration of the 25th of Charles II. c. 2. (though he ſhould openly profeſs himſelf an infidel or atheiſt), he may receive his commiſſion. In how many inſtances has this odious caſe occured during the courſe of the preſent war, though without any blame to his Majeſty's government, which muſt be regulated by the exiſting laws!

Your next new attempt is directed againſt the term *emancipation*, which you ſay "was invented to confound the "diſtinction between *toleration* and *domination*." You add: "if Catholics were enſlaved or oppreſſed who would not be on their ſide? (p. 45. p. 46.) You then compare the *theoretic ſlavery*, as you term it, of the Catholics with that of the people of Birmingham, in conſequence of the latter not ſending members to parliament, as the neighbouring people of Coventry and Warwick do. In return, give me leave to obſerve that your term of *theoretic ſlavery* is invented to confound the diſtinction between real and imaginary civil degradation. I grant you, Sir, that the people of Birmingham are not degraded merely becauſe their town, the importance of which is of late growth, is not included in the liſt of ancient parliamentary boroughs. But the caſe would be far otherwiſe if there were a law enacting to

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the effect, that no Birmingham man ſhould be eligible in the Houſe of Commons, and that no Peer who has an eſtate in Birmingham, ſhould be permitted to take his hereditary ſeat in the Houſe of Lords. To convince you how deeply Catholics do and muſt feel theſe very diſabilities as real evils, not to ſpeak of the remaining penal laws againſt them, let me again refer you to the paſſage in Mr. Butler's pamphlet, which I have cited in the note above. Again, Sir, whether the advocates for Catholic freedom, in applying to it the term *Emancipation*, endeavour to confound neceſſary diſtinctions, or you in ſpeaking of it as an *aſcendency*, as a *domination* (p. 45), as a *ſovereignty*, and as an attempt *to become our governors* (p. 47), the intelligent reader will judge. In fact, who would not ſuppoſe from ſuch terms as theſe, that the Catholics, inſtead of petitioning to be merely put upon a footing with other Diſſenters from the Eſtabliſhed Church, were requiring the abrogation of the Bill of Rights, and the excluſive poſſeſſion of all the dignities, offices, and emoluments, ſecular and eccleſiaſtical, in the King's dominions? We ſee here truly exemplified, that magical operation on the human mind, which you ſpeak of on this occaſion, and we alſo view the hand that "holds the dramatic wand," (p. 46).

I paſs over the remainder of new matter which you have tacked to your ſecond edition, from p. 47 to p. 52, becauſe it conſiſts of arguments already diſcuſſed, or of political ſpeculations and addreſſes to the paſſions, in which I certainly am not able to contend with you, or of inſtructions to Miniſters, which it appears they have not thought proper to take, or of a defence of his Majeſty's right of negative, which no perſon ever called in queſtion.

I cannot

I cannot however, help noticing the argument you attempt to draw, in the concluſion of both your editions, from the preſumed effect of the Toleration Edict in France, which preceded the deſtruction of religion in that country; as if the Emancipation of Catholics were likely to be attended with the ſame effect in this. Surely, Sir, you have not now to learn that this edict was extorted by an Antichriſtian faction, the declared foes of the Catholic religion, for the expreſs purpoſe of introducing their own philoſophic infidelity in its place:- whereas, one of the main objects of the preſent meaſure is to ſtrengthen the general cauſe of Chriſtianity, by uniting the ſeveral deſcriptions of its profeſſors in one common intereſt and affection, againſt the gigantic ſtrength of their common enemy.

I come now to conſider your OBSERVATIONS on three pamphlets, written in oppoſition to the opinion which you maintain. Mr. Butler's *Letter to a Nobleman*, my *Caſe of Conſcience Solved*, and the Barriſter's *Queſtion as to the Admiſſion of Catholics to Parliament*.

Your firſt obſervation is that "it is unfortunate for "the cauſe of Catholics, conſidering the imputation that "has been caſt upon Romaniſts in former times, for their "lax doctrines in the article of oaths, to have ſuch a "difficulty to encounter at the outſet as the plea of a ſo-"lemn oath alleged by an Auguſt Perſon," &c. (p. 59.) This paſſage appears to be directed to Mr. Butler, who is known to be a Catholic. For my part, Sir, I ſhould have expected that a man of your learning would have argued from known facts not from uncertain imputations. We learn that the benevolent diſciples of Chriſt, at their firſt appearance in the Roman empire, laboured under the imputation

putation of *hating their fellow creatures*,* and that Chriſt himſelf was accuſed of working his miracles *by the power of the devil*.† What if Catholics have been accuſed of diſregarding the obligation of oaths, has not the legiſlature proved its contempt of this accuſation, by admitting them to take an oath, as the teſt of their civil and ſocial principles? But what is of ſtill more conſequence, has not the conduct of Catholics conſtantly given the lie, and does it not give the lie at the preſent moment, to the impudent calumny? Reflect, Sir, for an inſtant, that every oath and declaration framed againſt theſe people has always produced its intended effect. There has been no "extenuating, refining or tampering" made uſe of, as you now charge them with (p. 59), "to reaſon themſelves out of "their conſciences." There has been no *occaſional conformity* to eſcape from the legal reſtraints impoſed upon them. They never be found to have ſubſcribed to the oaths and declarations in queſtion, but when they have fairly renounced their religion. Shew me now a deſcription of ſubjects, religious or civil, with reſpect to whom the oaths and declarations, impoſed upon them by the laws, have been equally and as extenſively effectual for their intended purpoſes. In a word, Sir, if the imputation upon Catholics of tampering with oaths were well founded, they would only have to tamper at the preſent moment with their own; namely, thoſe appointed by the 25th and the 30th of Charles II. and their Emancipation would immediately be effected, without any need of troubling themſelves about the Oaths of his Majeſty, or of any other perſon

* "Odio humani generis convicti." Tacit. Ann. Lib. xv.

† Mat. xii. 22.

whomſoever.

whomſoever. From what I have here ſaid, and from what I have elſewhere ſaid, it will appear how ſtrongly I reprobate the attempt "to reaſon any perſon out of the religion "which he attaches to an Oath." And yet, Sir, notwithſtanding this, I hold it to be juſt and rational, carefully to examine into the nature and the extent of the obligations of every Oath, or other engagement we are called upon to make, by ſuch lights as we can procure for this purpoſe; and, of courſe, I hold it to be lawful and commendable in others whom their offices, or their talents and educations have qualified for the undertaking, to aſſiſt us with their reflections and counſel for this purpoſe. It appears, however, that your opinion widely differs from mine in this particular. Hence you compare every man, who takes an official Oath, to "a witneſs in the witneſs-"box, without advice, counſel, or ſuggeſtion, but that of "his own conſcience." The fact is, a witneſs in a court of juſtice, being to give evidence of what he himſelf has ſeen or heard, muſt know ſuch things better than any other perſon can inform him, and therefore he cannot ſtand in need of any advice or ſuggeſtion as to the matter of his evidence; but, with reſpect to the nature and extent his Oath, even "the witneſs, in the witneſs box," may and conſtantly is admoniſhed by the judge, the jury, the counſellors, in ſhort, by every perſon who has liberty to open his mouth in court. For much more obvious reaſons is there a conſtant neceſſity of jurymen, commiſſioners, executors, adminiſtrators, and other perſons who take official Oaths of all kinds, being admoniſhed, concerning the nature and purport of ſuch Oaths, not only by judges and other authorized perſonages, but alſo by divines and moral writers. In fact, even with all theſe

advantages,

advantages, they will frequently be found to have been deluded by the moſt groundleſs ſcruples, and much more generally to have been ſeduced by their intereſted paſſions.

You now, Sir, are pleaſed to honour me with your particular notice. I wiſh you had thought me worthy of your reaſoning: becauſe I think it both more rational and ſafe to be guided by your arguments than by your authority. You firſt find fault with the title of *Caſuiſt*, which I have taken in my Pamphlet, (p. 60) For my part, I thought that *Caſes of Conſcience* properly fell within the department of *Caſuiſtry*. After all, if I am a Caſuiſt on one ſide of the queſtion, you are a Caſuiſt on the other. The chief difference between us is, that you profeſs to diſpiſe, whilſt I reſpect, the eſtabliſhed rules of the ſcience which we both treat of. After all, the public will judge whether your "*quiddities*," as you term them, being the fertile growth of your own imagination, or mine, which are the collected wiſdom and morality of paſt ages, are the more rational. You ſay that my "quiddities are brought together from Popiſh authors." The Papiſts will thank you for giving up to them the great light of the fifth century, St. Auguſtine, whom I have named, and the other ancient Fathers whom I have referred to. The fact is, I have in general, borrowed my maxims and rules concerning Oaths from the *Canon Law*, which, where it is not ſet aſide by particular ſtatutes, forms the law of the land (1), being that by which our court of Doctors Commons and all the eccleſiaſtical courts of the Kingdom are guided in pronouncing upon ſuch matters. With reſpect to modern divines, I have remarked that, however they may differ amongſt themſelves upon other

(1) Blackſtone's Comment. Introd. Sec. III.

matters, I have not been able to discover any difference amongst them, concerning the rules for ascertaining the obligation of Oaths. There is, however, no necessity of any authority at all to support the justice of the maxims and rules which I have laid down in my pamphlet. They carry their own evidence along with them, which, in no point of view, will appear so clear, as if any person should affirm the contradictory of each of them. For example, how will the following positions sound in the ears of any rational person:—*A man is obliged to keep an unlawful, impossible, or ridiculous Oath; if he swear to render any service to another person, he must perform it, though it should become injurious to that person; though the latter should remit the obligation; or though a prince, parent, husband, or other absolute superior, should pronounce that the performance of it interferes with the prior and superior duty which is respectively due to them.* Still, however, you venture to assert, that these same rules "furnish sufficient precedents "to dispense with all the Oaths taken in the King's domi-"nions, whether for office or judicature," (p. 60). This, Sir, being an imputation which deeply affects my feelings and character, I must be excused for throwing down the gauntlet of defiance to you, and daring you, in the face of the learned world, to prove your assertion. The case is, from not having previously attended to these subjects, you confound the necessary division which I made between assertory and promissory Oaths. Truth, Sir, is immutable and eternal, and, therefore, those Popish Fathers, whom you so unadvisedly ridicule, teach that an assertory Oath is not to be violated, nor, indeed, the most trivial lie told, to save an innocent man's life; no, not to preserve the whole universe from destruction. But the relations between man

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and man being various and changeable, they ſhew that our promiſſory Oaths, or other engagements, though no leſs binding upon the conſcience than the others, when their individual object is aſcertained, are ſubject to the rules which I have laid down as to the manner of fulfilling them. I truſt, Sir, that the whole of what I have advanced tends not to weaken, but to ſtrengthen the religion attached to Oaths.

There is no neceſſity of my defending Mr. Butler and the Barriſter, who next fall under your obſervation, as they are well able to defend themſelves: and yet I cannot forbear noticing the ſtreights into which they have both driven you, even as you yourſelf repreſent the ſtate of the controverſy. The former of theſe gentlemen has victoriouſly argued, that whatſoever elſe the Coronation Oath implies, it does not imply that Catholics cannot be members of Parliament, or enjoy civil and military offices, becauſe for ſome years after that Oath had been fixed in Ireland, and after William and Mary had actually taken it, Catholics continued to occupy ſeats in both houſes of the legiſlature, and to hold civil and military offices in that kingdom, until ſucceſſive acts were made in England to deprive them of thoſe advantages. The reaſoning is demonſtrative, and you feel it as ſuch. Accordingly you are forced to ſhift your ground, where you ſay: "the "Oath muſt refer to the ſyſtem of law that was in force, "not when the act paſſed, but when the Oath was "taken," (p. 62.) that is to ſay: *if the Oath did not mean to exclude Catholics when the act paſſed for appointing it, it means to exclude them now!* And what then, Sir, becomes of all your laboured arguments againſt the meaſures in contemplation, drawn from the ſuppoſed intentions of the

Revolutioniſts of the laſt century, in fixing the preſent Coronation Oath, which, form the greateſt part of your pamphlet! You are evidently ſeen to be between the horns of a dilemma, from which all your addreſs can never extricate you.

You are not more ſucceſsful in your conteſt with the Barriſter. This Gentleman has pleaded that ſuppoſing, for the ſake of argument, the King to be bound by his Oath to his ſubjects, not to admit Catholics into Parliament (although the ſuppoſition is abſurd), nevertheleſs, if his ſaid ſubjects, in Parliament aſſembled, ſhould pray him to paſs a bill for their admiſſion, he would, by the very nature of a contract, be at liberty to do ſo.—I have argued to the ſame effect, and no reaſoning can be more demonſtrative. But no, you ſay; "this contract is not "a Parliamentary proceeding," (p. 64.) "It is a con- "tract made *immediately*, between the King and all and "every ſubject throughout the kingdom, to ſay nothing "of his whole dominions." (p. 65) "It is the original "contract of the State, in which the King engages to "govern, and the ſubject to bear allegiance." (ibid). "It is "contracted *directly* and *individually* with the whole king- "dom—not virtually and by repreſentation." (ibid.) "It is "a contract with us *immediately* and *perſonally*; and none "can redreſs it but ourſelves, (p. 66). "This is not the "whole caſe, for poſterity are as much concerned as "ourſelves." (p. 67.) What an aſſemblage of portentous and ruinous doctrines! If the contract of the Coronation Oath, be "not a Parliamentary proceeding," why have you taken ſo much pains to prove it ſuch, throughout your Pamphlet! Again, if the contract has been made "*immediately*—*individually*—*directly*—and *perſonally* be- "tween

" twcen the King and all and every ſubject throughout " the kingdom, to ſay nothing of his whole dominions ;" I ſhould be glad to know at what time his Majeſty was reduced to that unexampled ſtate of degradation and miſery of being obliged *immediately*, *individually*, *directly* and *perſonally* to tranſact buſineſs with all his ſubjects ? I am ſure it was not at his Coronation, which I am old enough to remember. If this contract, as you underſtand it, is " the original contract of the State," how comes it that there have been ſo many alterations in religion ſince the Conſtitution was formed ? By what means was the Reformation itſelf effected ? And why are not Blackſtone's Commentaries condemned by authority to the flames, which teach that Parliament, in its omnipotence, is ſtill competent to change the religion of the land ?— Finally, if we cannot make laws affecting " poſterity," as our anceſtors have made laws affecting us, no remedy whatever can be applied to our growing evils, no proviſion made againſt our encreaſing dangers. On the contrary, we moſt adopt the wiſdom of your favourite maxim of " NOT DOING," in its utmoſt extent, to the infinite ſatisfaction and advantage of our inveterate reſtleſs Enemy :

" *Hoc Ithacus velit, et magno mercentur Atridæ.*"

VIRGIL.

FINIS.

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